

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, )  
)  
)  
-vs- ) Indictment No. 1:06-CR-147-02-WSD  
) Volume 2  
EHSANUL ISLAM SADEQUEE, ) Pages 296-520  
Defendant. )

Transcript of the Jury Trial Proceedings  
Before the Honorable William S. Duffey, Jr.  
August 5, 2009  
Atlanta, Georgia

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1           (Wednesday, August 5, 2009, 9:00 a.m.; jury not  
2 present.)

3           THE COURT: Good morning, everybody. Is there  
4 anything we need to discuss before we bring the jurors in?

5           MR. MCBURNEY: Nothing from the government.

6           THE COURT: Mr. Sadequee, anything we need to discuss  
7 before the jurors come in?

8           MR. SADEQUEE: Nothing.

9           THE COURT: Let's bring the jurors in, please.

10          Mr. McBurney, I thought it was distracting for me  
11 when you came up and somebody else was eliciting testimony, I  
12 think it's distracting for everybody, so let's not have that  
13 kind of interruption.

14          MR. MCBURNEY: So the attorney who is asking the  
15 questions should operate the white board --

16          THE COURT: Yes.

17          MR. MCBURNEY: -- rather than having a third party  
18 come up?

19          (Jury returned to the courtroom.)

20          THE COURT: Good morning, ladies and gentlemen. I  
21 hope you had a good evening. We are still on the government's  
22 case and I believe it was Agent Richards who was testifying.

23          MR. MCBURNEY: Yes, sir.

24          THE COURT: Can we have him back?

25          MR. MCBURNEY: He's right here.

1           THE COURT: Agent Richards, I will remind you that  
2 you are still under oath.

3           THE WITNESS: Yes, sir.

4           (Direct Examination of MARK RICHARDS continued.)

5   Q.    (By Mr. McBurney) Agent Richards, before we get into the  
6 Washington, D.C. trip, I want to cover two quick points.

7           You had mentioned in your testimony yesterday, when  
8 we went through a saved chat that was attached to an e-mail,  
9 Exhibit 76, there was a participant in that chat whose online  
10 moniker was equals, and I'm pointing now to Government's  
11 Exhibit 1, the demonstrative aid, was equal sign, three dashes,  
12 a capital J, three dashes, and an equal sign. What was the  
13 name you associated with that user?

14   A.   That is Azdee.

15   Q.   And then Deenin was another participant. What name did  
16 you associate with that?

17   A.   Deenin@gawab is James.

18   Q.   Thank you. And one other question about the Canada trip  
19 in case this wasn't made clear. Your investigation revealed  
20 that which of the two travelers, the defendant or Syed Haris  
21 Ahmed, paid, initially at least, for the two Greyhound tickets?

22   A.   I believe it was Defendant Sadequee.

23   Q.   That's the Nowata billing address from Government's  
24 Exhibit 71 -- no, it's not -- yes, 71, that e-mail from  
25 Greyhound?

1     A.     That's correct.

2     Q.     Okay.  Now, your investigation revealed that the defendant  
3     traveled with Syed Haris Ahmed to Washington, D.C., on what  
4     date?

5     A.     On April 10th, 2005.

6     Q.     And what did the defendant and Ahmed do while they were in  
7     Washington, D.C.?

8     A.     They took 62 videos of different areas within Washington,  
9     D.C.

10    Q.     Okay.  These videos were found in how many places by the  
11    FBI?

12    A.     Three different places.

13    Q.     What were those places?

14    A.     One was -- the first time we found videos was on the  
15    computer of Younis Tsouli, who is in the United Kingdom.  He  
16    was arrested and charged with terrorism offenses.  There were  
17    two videos, again, on his computer.

18    Q.     There were how many?

19    A.     I'm sorry, there were six computer -- six videos on his  
20    computer.

21    Q.     Okay.  And when you say six videos, six of the videos  
22    ultimately attributed to this trip to Washington, D.C.?

23    A.     Correct, six out of the 62 total that we know of.

24    Q.     So that's location one, Younis Tsouli's computer?

25    A.     That is correct.

1 Q. Location number two, where was the next place you found?

2 A. The next place was there were two videos found on computer  
3 media owned by Aabid Hussein Khan. He was also arrested and  
4 charged with terrorism offenses in the United Kingdom.

5 Q. A separate case from Younis Tsouli?

6 A. Correct.

7 Q. And how many videos, of these Washington videos, were on  
8 Khan's media?

9 A. Again, there were two out of the 62 total that we know of.

10 Q. Khan is, I think one of his monikers is up there, that's  
11 Abu Umar?

12 A. That's correct.

13 Q. Then the last place where you found videos?

14 A. We found 62 videos on the home computer of the -- at the  
15 family residence of Syed Haris Ahmed.

16 Q. This is the Brynbrooke Drive residence?

17 A. That's the Brynbrooke Drive.

18 Q. In the Dawsonville area?

19 A. In Dawsonville, Georgia.

20 Q. Did that set of 62 include the six from Tsouli's computer  
21 and the two from Khan's?

22 A. Yes, it did.

23 Q. Exhibit 12, which is not in front of you, is already in  
24 evidence, it is a CD that contains all 62 videos. I would like  
25 to play three of the videos right now and ask you a couple of

1 questions about them.

2 MR. MCBURNEY: If we could, if we're prepared to do  
3 it, if we can play MVI0065, please.

4 THE COURT: These are admitted already?

5 MR. MCBURNEY: Yes, sir, Government's Exhibit 12  
6 contains all 62, and we're playing them by file name.

7 (Video played.)

8 Q. (By Mr. McBurney) In that bouncy, grainy footage what  
9 building was being filmed?

10 A. That's the Pentagon.

11 Q. There were two voices. One was saying, "Be careful, be  
12 careful, take it, take it." Whose voice is that?

13 A. That is the driver, it is Syed Haris Ahmed.

14 Q. Then there was another voice saying, "Allahu Akbar, Allahu  
15 Akbar." Whose voice was that?

16 A. That was Defendant Sadequee.

17 Q. There was a brief moment when, in the passenger side-view  
18 mirror, you could see someone holding the camera. Who was it  
19 who was holding the camera?

20 A. That was also Defendant Sadequee.

21 MR. MCBURNEY: Let's play 0094, please.

22 (Video playing.)

23 Q. (By Mr. McBurney) What building is being -- it's at night  
24 now, we're not during the day. What is on this video?

25 A. That's also the Pentagon.

1 (Video playing.)

2 Q. (By Mr. McBurney) "This is where our brothers attacked  
3 the Pentagon." Whose voice was that?

4 A. That is Defendant Sadequee.

5 MR. MCBURNEY: And finally let's play 0098, please.  
6 Actually, you don't need to play it, let's just look at the  
7 still.

8 Q. (By Mr. McBurney) You've looked at all 62 videos?

9 A. Yes, I have.

10 Q. In most of them, do you ever see either Syed Haris Ahmed  
11 or Defendant Sadequee?

12 A. Not in most of them.

13 Q. Okay. Who is depicted here in the still photo, the start  
14 of 0098?

15 A. That is Defendant Sadequee.

16 Q. Thank you. What date did the defendant and Syed Haris  
17 Ahmed return to Atlanta from Washington?

18 A. They returned the next day, April 11th, 2005.

19 Q. When did Syed Haris Ahmed leave for Pakistan that year?  
20 Meaning month.

21 A. July 2005.

22 Q. At that point had the FBI's investigation begun?

23 A. No, not at that point.

24 Q. What month did Syed Haris Ahmed return to the United  
25 States from Pakistan?

1 A. He was there for approximately one month, returned in  
2 August 2005.

3 Q. And the defendant's departure for Bangladesh?

4 A. August 2005.

5 Q. Did they return and depart close in time?

6 A. Very close, within 24 hours, I believe.

7 Q. One second.

8 (Pause in the proceedings.)

9 MR. MCBURNEY: Thank you, sir.

10 THE COURT: Mr. Sadequee?

11 CROSS-EXAMINATION

12 BY MR. SADEQUEE:

13 Q. Good morning.

14 A. Good morning.

15 Q. I want to go over the same chat which the government has  
16 gone over it with you. I believe yesterday you were asked  
17 about there was some discussions about taking loans from banks  
18 and then running off with the money. You were asked about that  
19 yesterday, correct, about how some scholars, I believe my  
20 co-defendant mentioned that some scholars in the UK have given  
21 a religious ruling that it's permissible to take loans from  
22 banks and then basically run off with their money?

23 A. I was asked about that within the --

24 Q. Within the --

25 A. -- chat.

1 Q. Are you aware, did we, any of us, take loans from banks?

2 A. I'm not aware of any loans.

3 Q. Are you aware of if there was in any of my accused  
4 co-conspirators in other cases around, in the UK, or Canada,  
5 Bosnia, who had taken loans from banks and gone off?

6 A. I'm not aware of those cases.

7 THE COURT: Mr. Sadequee, could you move the  
8 microphone so that it points towards you? I think it does a  
9 better job of picking up your voice when it's in that  
10 direction.

11 Q. (By Mr. Sadequee) In this chat there's a mention of this  
12 great idea which Mr. Ahmed had and it's likened to a Badr R.  
13 Do you know what Badr R is?

14 A. I don't recall what that is. I remember seeing that word  
15 within the chat.

16 Q. If I can go to Exhibit 76, page 8, where it says: "Also  
17 brothers, Turab is a genius." Could you read, please, from  
18 that line: "Also ikhwaan, brothers"?

19 A. "Also brothers, Turab is a genius, he gave an idea which  
20 blows away everything, it's kind of like Badr R."

21 Q. So you're not familiar with what Badr R is?

22 A. No.

23 Q. So -- okay. Throughout this chat a number of times  
24 there's initials used. LOL, do you know what LOL is?

25 A. LOL, I remember seeing it in several parts of the

1 investigation and I've seen it in other -- I think it's  
2 something that's used commonly in instant messaging. It's just  
3 a shortened version of lots of love or something, lots of  
4 laughs, maybe. I'm not sure exactly what --

5 Q. Laugh out loud?

6 A. Okay, laugh out loud.

7 Q. You said that this is mentioned several times or is it  
8 something which is almost everywhere?

9 A. I see it, very common. It's very commonly used.

10 Q. In this chat, I'm given the nickname Khubz, correct?

11 A. Is it in -- I believe it is in this chat, yes.

12 Q. Could we go to page number 10 where it says, in the middle  
13 of the page, J says, "LOL," and then down to the bottom of the  
14 page, could you read from that?

15 A. "LOL, hey, James, you know when you called Khubayb, Khubz,  
16 I laughed."

17 Q. Could you continue?

18 A. And then James says: "LOL."

19 And Aboo Khubayb says: "What?"

20 And Azdee says: "Cause I thought you were talking,  
21 means bread, correct? LOL, about bread at first, LOL, man."

22 Q. Could we go to the next page?

23 A. "LOL."

24 "That is funny, call me."

25 "LOL, Abu Khubz."

1 "Abu Khubz from now on."

2 "LOL."

3 "LOL."

4 "I like the name seriously."

5 "LOL."

6 "May God reward you well," is the translation.

7 "LOL, and you," is the translation.

8 "LOL."

9 Q. Continue.

10 A. "It's nice, because I love Khubz, too, more than rice."

11 "LOL."

12 "What was Turab's idea or MSN not cool?"

13 "Dude, don't talk about it."

14 Q. Continue.

15 A. On page 12: "We'll tell you but, brother, it was like  
16 flawless with the permission of God for the birthday I mean."

17 "Eh, you know, yesterday."

18 Q. That will be good. I want to ask, so after this part  
19 about bread and my being called Khubz, there's a transition or  
20 shifting of the conversation back to what's my co-defendant's  
21 idea, the genius idea, the flawless idea, and then what does  
22 that say about the flow of the conversation? Is this a planned  
23 conversation or is this a -- how would you characterize the  
24 conversation, this chat right here?

25 A. I'm not sure I understand what you're asking me.

1 Q. What's the tone of the overall conversation in this chat?

2 A. I still don't understand what the question is.

3 Q. In this chat -- which is how many pages? This 19-page  
4 chat, overall, after reading it, how would you characterize the  
5 atmosphere of this conversation?

6 A. I would characterize it as three individuals talking about  
7 their plans, possibly for jihad, some good idea to go overseas.  
8 I don't know, and maybe even have another idea that they think  
9 is really a good idea, possibly going up to Washington, D.C.,  
10 and taking videos and sending them to the brothers.

11 Q. Those are some of the subjects covered in the  
12 conversation. What about the way and the manner and the  
13 atmosphere of how these things -- the participants of this  
14 conversation, how are they -- how seriously are they taking  
15 themselves?

16 MR. MCBURNEY: Objection; calls for speculation.

17 THE COURT: To the extent that he's reached a  
18 personal opinion, he can express that.

19 MR. SADEQUEE: His personal opinion.

20 A. I'd say relatively serious.

21 Q. (By Mr. Sadequee) If you could continue reading from  
22 right where we left off, which is on page 12 after "flawless,"  
23 down to the bottom of the page.

24 A. "With the permission of Allah"?

25 Q. Yes.

1     A.     "For the birthday I mean."

2             "Eh, you know, yesterday I was watching TV and I saw  
3     a commercial for the birthday, a movie based on it and someone  
4     trying to you know what. I was like God is glorious."

5             And then Deenin@gawab, James, states: "What's it  
6     called?"

7             "Someone trying to do the same thing?"

8             "I'm not sure, it's coming out soon. Yes."

9     Q.     Could you continue with the next page?

10    A.     "LOL."

11             "LOL."

12             "Allaahu Akbar, God is great. Damn bastards steal  
13     our ideas."

14    Q.     If you could pause. So J, who is Azdee, and Deenin is --  
15     did we go over -- is James?

16    A.     Deenin is James.

17    Q.     Do you know who Deenin or James is?

18    A.     They are two individuals in Canada that you were chatting  
19     with.

20    Q.     Can you mention the identity of, or who you believe James  
21     is?

22             MR. MCBURNEY: Objection; relevance.

23             THE COURT: What is the relevance?

24             MR. SADEQUEE: I was just seeing if it was one of my  
25     co-conspirators according to the government.

1 THE COURT: Then I'll overrule the objection.

2 MR. MCBURNEY: Judge, we may need to have a  
3 conversation in private with you.

4 THE COURT: All right.

5 Ladies and gentlemen, if you will retire to the jury  
6 room for a second.

7 (Jury retired from the courtroom at 9:27 a.m.)

8 THE COURT: I think the only question is whether or  
9 not this agent contends that he's one of the co-conspirators  
10 with which he is charged in a conspiracy.

11 MR. MCBURNEY: I need to look at the language of the  
12 indictment, but we have an issue with the question if the  
13 question -- I heard the question being what are the names, the  
14 real identities of James and Azdee. And --

15 THE COURT: The question I was allowing was whether  
16 this agent knows if James, who is a participant in the  
17 conversation, is a co-conspirator with which he is charged.

18 MR. MCBURNEY: If that's how the question is  
19 rephrased, then I think we're all right.

20 THE COURT: Is that the question you intend to ask?

21 MR. SADEQUEE: Yes. And it's not an important  
22 question. I mean, if it's too much of a problem, I can just --  
23 it's not the subject of where I was going.

24 THE COURT: So what I'll do is when I bring the jury  
25 back in, I will state that the question is, that I'm allowing

1 is, for the agent to answer -- unless you want to withdraw the  
2 question and go on to something else. That's your prerogative.

3 MR. SADEQUEE: So I'm allowed to ask if James is a  
4 co-conspirator?

5 THE COURT: Whether James is -- whether he  
6 understands that James is alleged to be a co-conspirator with  
7 you.

8 MR. MCBURNEY: No issue with that.

9 THE COURT: So let me ask that question so that I  
10 make sure that it's asked in the right form, if that's  
11 permissible with you.

12 MR. SADEQUEE: Okay.

13 THE COURT: Is that a yes?

14 MR. SADEQUEE: Yes.

15 THE COURT: All right. Let's bring the jury back in.

16 (Jury returned to the courtroom at 9:30 a.m.)

17 THE COURT: Ladies and gentlemen, there was just a  
18 little confusion about what the question was.

19 The question that I've told Mr. Sadequee that I  
20 understand he wants to ask and that I'm allowing is this:  
21 Agent Richards, he wants to know whether James, the person who  
22 is a participant in the chat that we have been going over,  
23 whether you know if James is alleged to be the defendant's  
24 co-conspirator in the charges that have been brought against  
25 him.

1           THE WITNESS: I don't recall specifically the charges  
2 brought against him, whether they -- James was or was not a  
3 co-conspirator. I was referring to the discussion in the chat  
4 in which the three individuals there, including the defendant,  
5 James, and Azdee, as named within the chat, they were talking  
6 about their ideas and how someone may have stolen their ideas  
7 and how Turaab thought their -- may have thought up a great  
8 idea.

9           If I used the word "co-conspirators" before I was  
10 talking within the context of the chat. I don't recall if I  
11 used that word or not.

12   Q.    (By Mr. Sadequee) If you could continue to read from --  
13 well, just one question.

14           So right after, or in the middle of J saying, "LOL,"  
15 and then Deenin saying, "LOL," I say, "God is great," or  
16 "Allahu Akbar." Then I say, "Damn bastards steal our ideas,"  
17 correct?

18   A.    That's correct, that's what's on it, yes.

19   Q.    It's again followed by "LOL," laugh out loud, and laugh  
20 out loud. Could you continue after that?

21   A.    "We should have it copyrighted."

22           "Must be my bugs."

23           "LOL. Nah, it takes three years to make a movie,  
24 dude."

25   Q.    If you could pause. "Must be my bugs," what's that

1 referring to?

2 A. I don't know.

3 Q. Could it be bugs, as in --

4 MR. MCBURNEY: Objection. The witness has indicated  
5 he doesn't know and now the defendant is suggesting theories  
6 that the defendant has as to a meaning for the word.

7 THE COURT: I think that's sustained.

8 Q. (By Mr. Sadequee) Okay, if we could continue reading.

9 A. "Wow, they stole it three years before we even thought  
10 about it, wow."

11 "LOL."

12 "These guys are good."

13 "You know, if God let's this happen, then people will  
14 look back and say, 'they were inspired by that movie.'"

15 "LOL."

16 "LOL."

17 "They will say we went to nightclubs, et cetera, and  
18 theaters."

19 Q. Continue with the next page.

20 A. "LOL. The same deal with the 17 brothers."

21 "Nightclubs."

22 "LOL."

23 "Brother, you have no faith left after a nightclub."

24 "They got you, sinaan, they will dig your past, LOL."

25 "LOL. That be jokes."

1 "Brother, man, why do you do this to us?"

2 "LOL."

3 "LOL."

4 Q. Okay, that will be fine. So it doesn't seem -- does it  
5 seem -- well, is there a steady stream of thought or is it just  
6 everyone is talking about whatever?

7 A. Are you asking me from my assessment of what I just read?

8 Q. Yes, within this conversation, an excerpt of what you  
9 read.

10 A. I'm sorry, could you repeat that last phrase you said?

11 Q. Throughout this conversation is this the general pattern,  
12 that there's no steady stream of thought or --

13 A. I don't know what the thought process is within the  
14 individuals taking part in this conversation.

15 Q. For example, there's this discussion about a movie, then  
16 how -- what -- comments about how ideas are stole and then a  
17 comment about it must be someone's bugged, then how someone is  
18 going to have their past dugged into and found that they had  
19 attended nightclubs, perhaps, and that would be jokes. This  
20 all -- are these a part of terrorist planning that you find in  
21 other terrorist-related cases? When terrorists are plotting --  
22 you've dealt with many terrorism cases, I'm sure -- this is how  
23 the conspiracies are formed?

24 A. What do you mean? I'm sorry, I still don't understand the  
25 question.

1 Q. In other terrorism, throughout your experience, is this  
2 something that they find throughout other terrorism  
3 conspiracies, when terrorists are plotting their whatever it is  
4 that they're plotting, that this is how they speak, this is how  
5 they conversate with each other? Actually, when they're  
6 planning, since --

7 A. When somebody plans something, they may talk to each other  
8 about what the plans are, if that's what you mean.

9 Q. You earlier characterized this as a fairly serious  
10 conversation about plans of participants of this conversation.  
11 So would you characterize this as a planning session or a  
12 planning discussion, a discussion or a chat where terrorism --  
13 ideas of terrorism are being plotted?

14 A. I would characterize that within this chat session there  
15 are many ideas being discussed and that they may have relation  
16 to some type of terrorist activity.

17 Q. So you use the word "discussed," not the word "planned."

18 A. Ideas were being discussed, I think is what --

19 Q. Not planned?

20 A. It depends on the semantics of the definition of "ideas"  
21 and "plans." Plans start, I believe, with ideas, if you want  
22 to -- if you want me to get specific, I think, about those  
23 definitions.

24 Q. Is discussing an idea planning -- planning or conspiring,  
25 is a -- planning to commit a crime is a crime. Is discussing a

1 crime a crime?

2 MR. MCBURNEY: Objection. It's a legal question and  
3 we're getting into the agent's opinion as to the meaning of  
4 words and I think we're doing some argument here as well.

5 THE COURT: I'm going to sustain the objection to  
6 that question.

7 Q. (By Mr. Sadequee) If you could also read from page number  
8 7, from where I say it would take six weeks for my PP,  
9 passport, to come back, down from there to the bottom of the  
10 page. If you can read that.

11 A. "For my passport to come back, it takes six weeks."

12 "Appliances, wow, that is long compared to here."

13 "So I am thinking maybe I am coming like early May."

14 "Cool."

15 "Dude, that fits, then."

16 "We have to talk about you."

17 "Cause Abu Umar is the same time from what I know."

18 "He didn't sound 100 percent."

19 "We have to get it varied [sic], God willing."

20 "Get some influence from the wife's side."

21 Q. I believe you missed two lines. It was: "He did not  
22 sound 100 percent," and then you missed two lines after that.

23 A. "From what I know he didn't sound 100 percent."

24 "Dude, it's 100 percent."

25 "We have to get it varied [sic], God willing, get

1 some influence from the wife's side."

2 Q. Continue with the next page.

3 A. "LOL."

4 "Now what I mean."

5 "Low blow. LOL."

6 "LOL."

7 "Also brothers" --

8 Q. So could you -- so J says, on page number 7, after Deenin  
9 comments, "He didn't sound 100 percent," who was this referring  
10 to?

11 A. You're asking me what --

12 Q. Who is he referring to? What's being talked about here?

13 A. Possibly a plan to go to -- go overseas, including getting  
14 passports and a time frame for a meeting overseas, or in  
15 another country, at least, just they need a passport.

16 Q. Is there any reason in this -- you're saying that this  
17 is -- where are you getting that this is from overseas? Where  
18 are you getting the understanding that what's being referred to  
19 over here is being referred to as overseas?

20 A. Well, I corrected that and I said at least another  
21 country, because of the word "passport." You're asking me my  
22 assessment I what I just read, I believe, if I understood the  
23 question correctly.

24 Q. Right prior to where we began, right prior to, on the next  
25 page, bottom of the next page -- I mean on the prior page, page

1 number 6, the very second to the last line, Deenin says -- if  
2 you could read that?

3 A. Deenin says: "He's free in two weeks."

4 J says: "Is the best option."

5 "How much do you think it is?"

6 "Okay, so maybe for the basement then."

7 Q. Basement refers to, according to your understanding?

8 A. You're asking me my assessment of what --

9 Q. Yes.

10 A. -- the basement is? Okay. I believe it's a place for  
11 whoever is going over -- wherever they're going to live.

12 Q. Are you aware of any discussion, whether it be from within  
13 this particular chat or throughout the investigation, of  
14 basements being referred to as a rental place or renting  
15 someplace to live in Canada?

16 A. People can rent basements to live in in Canada, I'm sure.

17 Q. But throughout the investigation was there reference that  
18 you found that --

19 A. There was reference to basement, yes.

20 Q. As Canada, renting a place to live in Canada?

21 A. There may -- yes.

22 Q. So right after this is mentioned, on the next page, what  
23 we just read a bit earlier about passport, come back six weeks,  
24 that's where we come back to, "He did not sound 100 percent."  
25 So if you could then read -- you read it already once. What's

1 being referred to, J says: "It is 100 percent." And then he  
2 continues, J, he continues.

3 A. "Get some influence from the wife's side."

4 Q. Then "LOL." So what's he talking about?

5 A. I don't know.

6 Q. There's this comment which I made in this chat on page 13,  
7 "We should have it copyrighted." Are you aware of what's being  
8 referred to?

9 A. When you said, "We should have it copyrighted," I believe  
10 in the context of this discussion you're referring to what was  
11 above, possibly the idea in the movie, or the idea that you had  
12 that was similar to what was in the movie. I'd have to read  
13 that part of the text again.

14 Q. About Younis Tsouli or Irhabi 007, what was he charged  
15 with in the UK?

16 A. I don't know the specific United Kingdom laws but it was a  
17 terrorism-related offense.

18 Q. And do you know what he was actually then convicted of as  
19 opposed to charged?

20 A. He was convicted of the -- I believe at least one of those  
21 offenses, possibly all of them. I don't know the name of --  
22 again, I don't know the law that was, the specific name of the  
23 statute that they were charged with.

24 Q. Are you aware if Tsouli's charges included these --

25 MR. MCBURNEY: Objection. The witness has already

1       stated he doesn't know what the charges are.

2               THE COURT: Overruled.

3       Q.     (By Mr. Sadequee) If the D.C. videos were used as  
4       evidence against him in that trial?

5       A.     I don't -- I'm not aware of what the evidence was in that  
6       trial.

7       Q.     I want to ask about the government put up a video of me  
8       saying, "Allahu Akbar," which means "God is great," while I'm  
9       taking these videos of the Pentagon. And here on page number  
10      13 in this chat, just to -- how -- do you find it of any  
11      significance that I say -- well, two other -- the two other  
12      participants of the chat say "Allaahu, Allaahu."

13             I say, "God is great. Damn bastards steal our  
14      ideas."

15             The two participants say, "LOL, LOL."

16             And then I say, "We should have it copyrighted."

17             Do you find this portion or excerpt of any  
18      significant value in understanding me saying the same phrase,  
19      "God is great," while taking these Pentagon, D.C. videos? Is  
20      it of any relevance at all? Does it help?

21      A.     It's just a phrase that we've seen in this chat and that  
22      you used when you were taking videos driving by the Pentagon.

23      Q.     But does --

24      A.     It's a common phrase that apparently you use.

25      Q.     Five times we pray, say --

1     A.    I'm sure.

2     Q.    Per day.  Could you read from page 3, the bottom of page  
3    3, from, "We were at a lesson by..."?

4     A.    >Last night we were at dars, lesson, by Islamic religious  
5    leader Abdus-Salaam and we were leaving."

6     Q.    Can you read from the next page, top of page 4?

7     A.    "At night, 11:00 p.m., and me, Turab, were in the front  
8    and a few bros were in the back of the truck so a cop pulled us  
9    over and he asked jokingly, 'You guys don't have anthrax, do  
10  you?'"

11                 "LOL."

12                 "Should have said my uncle deals with that, I like to  
13  stick to the basic C4."  That's what deenin@gawab said.  "LOL."

14                 And then Azdee said:  "LOL, easy, don't know where  
15  you're going with that, James."

16                 And then James, deenin@gawab says:  "LOL, my bad."

17     Q.    Yes, if I can, do you know what J means when he says:  
18  "Easy, don't know where you're going with that, James"?

19     A.    If you want my assessment of that sentence, I believe that  
20  Azdee was concerned that within this chat there was discussion  
21  of C4 and anthrax.

22     Q.    Are you aware of, throughout your investigation of Tibyan  
23  Publications, of someone named C4?  Let me -- the user name on  
24  one of these websites, like, you know, one of my names is Aboo  
25  Khubayb Al-Muwahhid, you know, all these online moniker names,

1 are you aware of any one with the moniker C4?

2 A. No, I'm not.

3 Q. You've not come by --

4 A. No.

5 Q. Even in your investigation or your going through the  
6 evidence of the Tibyan Publication websites, there's no mention  
7 of C4 at all, of a person?

8 A. I'm not aware of any, anywhere, anyone who would use the  
9 name of an explosive as their online moniker.

10 MR. SADEQUEE: Okay, thank you.

11 THE COURT: Thank you, Mr. Sadequee.

12 Any redirect?

13 MR. MCBURNEY: Mr. McBurney.

14 THE COURT: I'm sorry, what did I say? I said,  
15 "Thank you, Mr. Sadequee. Any redirect?"

16 MR. MCBURNEY: I have --

17 THE COURT: I'm sorry, next time I ask you a question  
18 I'll call you by name. Mr. McBurney, any redirect?

19 MR. MCBURNEY: Yes.

20 REDIRECT EXAMINATION

21 BY MR. MCBURNEY:

22 Q. Agent Richards, during the course of your investigation,  
23 have you read through a number of the chats and e-mails that  
24 have been introduced or will be introduced as evidence in this  
25 case?

1     A.    Yes, I have.

2     Q.    Is it common in these chats involving the defendant for  
3     the discussion to ebb and flow between serious discussions  
4     about supporting violent jihad and lighthearted discussions  
5     about some of the matters we saw in the exhibit you were just  
6     looking at?

7     A.    It's very common.

8     Q.    Thank you.

9           THE COURT:  All right.  Does anybody want Agent  
10    Richards subject to recall?

11           MR. MCBURNEY:  He will be recalled by the government  
12    towards the end of the government's presentation.

13           THE COURT:  All right.  I'm going to dismiss you for  
14    now subject to recall.  Don't discuss your testimony with  
15    anybody until you have either been recalled or have been told  
16    that the case has been concluded.

17           THE WITNESS:  Yes, sir.

18           THE COURT:  Thank you for being with us.

19           Call your next witness, please.

20           MS. COLLINS:  The government calls Tim Alexandre.

21           THE COURT:  Please come forward and stand in the  
22    witness box, I'll have you sworn in.

23           THE COURTROOM DEPUTY:  Raise your right hand.

24                       TIMOTHY ALEXANDRE,  
25    being first duly sworn or affirmed, was examined and testified

1 as follows:

2 THE COURTROOM DEPUTY: Please be seated.

3 DIRECT EXAMINATION

4 BY MS. COLLINS:

5 Q. Good morning.

6 A. Good morning.

7 Q. Could you please state your name and spell it for the  
8 court reporter?

9 A. My name is Timothy Alexandre. It's A-l-e-x-a-n-d-r-e.  
10 The first name is T-i-m-o-t-h-y.

11 Q. Thank you. Where do you work, Mr. Alexandre?

12 A. I'm a special agent with the U.S. Department of State  
13 assigned to Diplomatic Security Training Center in Dunn Loring,  
14 Virginia.

15 Q. And what are your current duties as a special agent?

16 A. I teach criminal investigations and protective security  
17 operations, to include surveillance detection.

18 Q. And is that with the Diplomatic Security Service?

19 A. Yes, ma'am.

20 Q. And how long have you been with the DSS, which is what  
21 I'll call that service.

22 A. Okay. Approximately 12 years.

23 Q. And what have your other responsibilities been during your  
24 time with DSS?

25 A. Prior to coming to the training center, I was with the

1 DEA's task force in northern Virginia. Prior to that I was  
2 with the FBI's Joint Terrorism Task Force in Washington, D.C.

3 Q. And were you with the Joint Terrorism Task Force in the  
4 fall of 2005?

5 A. Yes, ma'am.

6 Q. And at that time did you receive a tasking from the FBI  
7 office here in Atlanta?

8 A. Yes, I did. I was sent a series of video clips that I was  
9 asked to identify the location and the time and date of when  
10 they occurred.

11 Q. Did you do that?

12 A. Yes, ma'am.

13 Q. And what was the general area of where those videos were  
14 shot?

15 A. It was mostly Washington, D.C., with a couple of sites in  
16 northern Virginia.

17 Q. And based on your investigation and your review of the  
18 videos, were you able to determine the date on which at least  
19 some of the videos were taken?

20 A. Yes, ma'am, I was.

21 Q. And what was that date?

22 A. April 11th, 2005.

23 Q. Now I'd like you to take a look at Exhibit 86. It should  
24 be in front of you.

25 A. I have it.

1 Q. And what is that exhibit?

2 A. It's a map of Fairfax County, Virginia, that shows  
3 portions of Washington, D.C.

4 Q. And on the flip side, what does it show?

5 A. This is Washington, D.C.

6 Q. The central area of downtown?

7 A. It's the central area, yes, ma'am.

8 Q. And are both of those maps fair and accurate depictions of  
9 what they show?

10 A. Yes, they are.

11 MS. COLLINS: Your Honor, we would move to admit  
12 Exhibit 86.

13 THE COURT: Any objection, Mr. Sadequee?

14 MR. SADEQUEE: No.

15 THE COURT: They're admitted. I guess it's admitted.

16 MS. COLLINS: Thank you, Your Honor.

17 Can we show Exhibit 86, the first page there?

18 Q. (By Ms. Collins) Can you orient us on this map, please?

19 A. Okay, you're looking at mostly Fairfax County --

20 THE COURT: You need to pull the microphone --

21 THE WITNESS: I'm sorry, sir.

22 THE COURT: Thank you. You can also look at the map  
23 right there to your left if you would like.

24 Q. (By Ms. Collins) There's a monitor to your left as well.

25 THE COURT: But you still need to speak into the

1 microphone.

2 THE WITNESS: I gotcha.

3 MS. COLLINS: Thank you, Your Honor.

4 THE WITNESS: Thank you, Your Honor.

5 Okay, you're looking at Fairfax County, Virginia.

6 And as you see, a circular, if you look over here, if you see,  
7 the circular roadway is 495, which we call the Beltway. So  
8 most of this happens within the Beltway. And you also see on  
9 the map there, kind of leading down to the south, is I-95, and  
10 some of the videos occurred on the southbound I-95.

11 Q. (By Ms. Collins) And over on the right of the screen it's  
12 white, where it says Washington, D.C., is that central  
13 Washington, just the area where it is?

14 A. Yes, ma'am, that's Washington, D.C.

15 Q. Okay. And can we turn to page 2? And what area is shown  
16 here?

17 A. This is the Washington, D.C. area. The middle of this map  
18 would be what we call the Mall area of Washington, D.C.

19 Q. Thank you. Now I'd like to play the set of videos that  
20 you received from the FBI in Atlanta. They're on Exhibit 10.  
21 The first one -- and I'll call them out by file number. The  
22 first one I'd like to play is MVI0082.

23 (Video playing.)

24 Q. (By Ms. Collins) What is being shown in this video?

25 A. That's the United States Capitol. It's being filmed

1 across the U.S. Capitol Reflecting Pool.

2 Q. Let's go on to MVI0104.

3 (Video playing.)

4 Q. (By Ms. Collins) What are we being shown here?

5 A. You're on the grounds of the U.S. Capitol. That's the  
6 Garfield Circle area of the U.S. Capitol.

7 Q. And the white tent that shows up in the beginning and at  
8 the end of that video, what is that?

9 A. It's a tent that's used, or at the time was used for  
10 screening visitors to the Capitol.

11 Q. Is that a security apparatus?

12 A. It's a security feature, security screening area.

13 Q. Let's go on to MVI0108.

14 (Video playing.)

15 Q. (By Ms. Collins) Where is this video?

16 A. That is also in the Garfield Circle area of the U.S.  
17 Capitol.

18 Q. And the truck that we saw passing through, what was that?

19 A. It's a U.S. Capitol police vehicle that's used for  
20 response to hazardous materials.

21 Q. And was there a siren towards the end of that video?

22 A. Yes, ma'am, there was.

23 Q. And what did that siren belong to?

24 A. That was the siren attached to that HAZMAT vehicle.

25 Q. Was there any event that occurred on April 11th, 2005,

1 that triggered that HAZMAT response?

2 A. Yes, there was. There was a Chinese national that was  
3 arrested on the Capitol grounds for claiming to have two  
4 suitcases full of explosives. He was taken down by the SWAT  
5 team and the HAZMAT and the bomb technicians went in to clear  
6 those two suitcases.

7 Q. Let's go on to MVI0144.

8 (Video playing.)

9 Q. (By Ms. Collins) What building is being shown here?

10 A. That is the World Bank in Washington, D.C.

11 Q. Let's go on to MVI0095.

12 (Video playing.)

13 Q. (By Ms. Collins) What does this video show?

14 A. Well, it showed, the King Street sign there that you're  
15 seeing is on the platform for the King Street Station to the  
16 Metro, which is the light-rail system we have in northern  
17 Virginia and Washington, D.C. And the building you see there  
18 in the background is the Masonic Temple.

19 MS. COLLINS: Can we put up Exhibit 86, the first  
20 page, please?

21 Q. (By Ms. Collins) You mentioned that this location was in  
22 Alexandria. Where does that show up on the map there?

23 A. Well, if you see the airplane symbol there and you just  
24 take your eye down to the left, you'll see the word Alexandria.  
25 King Street is the name in Alexandria for Route 7, which you

1 see right there.

2 MS. COLLINS: Can we flip over to page 2, please? If  
3 you can blow up kind of starting just on the left, if you blow  
4 up that side.

5 Q. (By Ms. Collins) We looked earlier, you said we looked at  
6 the video of the World Bank, where is that located?

7 A. Well, if you can see on the map there, you see Georgetown  
8 University Hospital, and if you bring your eye down to the  
9 right, you'll see where it says World Bank there. It's on  
10 Pennsylvania Avenue.

11 MS. COLLINS: Mr. Williams, can you hand this to the  
12 witness, please?

13 Q. (By Ms. Collins) If you press the red button, there's a  
14 laser pointer on there.

15 A. Right there.

16 Q. Okay, thank you.

17 MS. COLLINS: Now, can we show MVI0147?

18 (Video playing.)

19 Q. (By Ms. Collins) Where was this video shot?

20 A. That is southbound Route 95 in the Lorton area and the  
21 buildings you see, the tanks you see on the left there, is a  
22 facility we call the Newington Tank Farm.

23 Q. Is -- I'm sorry.

24 A. The Newington Tank Farm, it's just a facility that houses  
25 a variety of fuels: jet fuel, gasoline, diesel fuel, things of

1       that nature.

2       Q.     And you said this is in the Lorton area.   Is that in  
3       Virginia?

4       A.     Yes, ma'am.

5       Q.     Now just so the record is clear, the videos that we've  
6       just reviewed, the six videos, are those the ones you received  
7       back in the fall of 2005 to review?

8       A.     Yes, ma'am.

9       Q.     And a little more recently, several years after that, did  
10      you receive a number of additional videos to review?

11      A.     Yes, ma'am, I did.

12      Q.     And did you determine where those videos were shot as  
13      well?

14      A.     Yes, I did.

15      Q.     These videos, which are on Exhibit 12, I'd like to play  
16      just a few of them, starting with MVI0105.

17                    (Video playing.)

18      Q.     (By Ms. Collins)   Now, where was this video shot?

19      A.     That is also shot at the Garfield Circle area of the U.S.  
20      Capitol.

21                    MS. COLLINS:   And MVI0120, please.

22                    (Video playing.)

23      Q.     (By Ms. Collins)   Where is this?

24      A.     Same general area.

25      Q.     By the Capitol?

1     A.    By the Capitol, Garfield Circle area.

2     Q.    And that red van that the camera is focused on, what is  
3     that?

4     A.    It's an emergency response vehicle.  It appears to me to  
5     be a fire department-type vehicle.

6     Q.    And moving on to MVI0124, please.

7                 (Video playing.)

8     Q.    (By Ms. Collins)  Where is this?

9     A.    Garfield Circle area of the U.S. Capitol.  You can see the  
10    same security tent that you saw in the earlier videos.

11    Q.    And did you review numerous other videos that were taken  
12    on the Capitol grounds as well?

13    A.    Yes, ma'am.

14    Q.    Are they similar in character to these --

15    A.    Yes, ma'am.

16    Q.    -- that we've seen?  Okay, moving on to MVI0074, please.

17                 (Video playing.)

18    Q.    (By Ms. Collins)  Were you able to determine where this  
19    video was shot, what's being shown?

20    A.    The Department of Commerce.

21    Q.    And is that located in central D.C. as well?

22    A.    Yes, ma'am, it is.

23    Q.    And how about MVI0142?

24                 (Video playing.)

25    Q.    (By Ms. Collins)  Where is this video?  What is being

1 shown here?

2 A. This is the World Bank again. The people in this, the  
3 individual you can see in this video is actually walking toward  
4 the point where the other video of the World Bank was taken  
5 from. That video was taken right at the tip of that island  
6 that you can see in here that they're walking on.

7 Q. And the other video that you're talking about is the  
8 first -- is the one in the set of the fall 2005 videos of the  
9 World Bank?

10 A. Yes, ma'am.

11 Q. And going on to MVI0136.

12 (Video playing.)

13 Q. (By Ms. Collins) What's being shown here?

14 A. That's the Department of Energy, that's also in the  
15 central D.C. area.

16 Q. Okay. And the last video that we will play, MVI0148.

17 (Video playing.)

18 Q. (By Ms. Collins) And what was this?

19 A. Southbound I-95 with the Newington Tank Farms off to your  
20 left.

21 MS. COLLINS: No further questions, Your Honor.

22 THE COURT: Mr. Sadequee?

23 THE DEFENDANT: No questions.

24 THE COURT: Does anybody want Mr. Alexandre subject  
25 to recall?

1 MS. COLLINS: Not from the government, Your Honor.

2 MR. SADEQUEE: No.

3 THE COURT: We appreciate your testimony. You are  
4 being released but you should not discuss your testimony until  
5 you hear the case has been concluded.

6 THE WITNESS: Yes, Your Honor.

7 THE COURT: Thank you for being with us.

8 Call your next witness, please.

9 MS. COLLINS: The government calls John Maguire.

10 THE COURT: If you will come forward and stand in the  
11 witness box, I'll have you sworn in.

12 THE COURTROOM DEPUTY: Please raise your right hand.

13 JOHN MAGUIRE,  
14 being first duly sworn or affirmed, was examined and testified  
15 as follows:

16 DIRECT EXAMINATION

17 BY MS. COLLINS:

18 Q. Good morning.

19 A. Good morning.

20 Q. Could you please state your name and spell your last name  
21 for the record?

22 A. Yes. It's John Maguire, that's M-a-g-u-i-r-e.

23 Q. Can you push the microphone or tilt the microphone up a  
24 little bit towards your mouth? Great, so the jury can hear  
25 you.

1                   Mr. Maguire, where do you live? And in what country  
2 do you live?

3     A.     I live in England.

4                   THE COURT: Can you scoot up a little bit?

5                   THE WITNESS: Sorry.

6     Q.     (By Ms. Collins) The microphone just wasn't picking up  
7 your voice. What country do you live in?

8     A.     England.

9     Q.     And what do you do in England?

10    A.     I'm a detective sergeant with the West Yorkshire Police  
11 Force.

12    Q.     Are you with a particular unit within the West Yorkshire  
13 Police Force?

14    A.     Yes. I work for the Northeast Counterterrorist Unit.

15    Q.     That's a law enforcement agency?

16    A.     That's a law enforcement agency, yes.

17    Q.     And how long have you been with West Yorkshire Police?

18    A.     27 years.

19    Q.     And how long have you been working on terrorism  
20 investigations?

21    A.     About the last four years.

22    Q.     And before that, what types of cases did you do?

23    A.     I worked on a murder team, a rape team, and a fraud team.

24    Q.     And what is the function of a detective sergeant in  
25 criminal investigations in England?

1     A.    Yes, I supervise a team of officers that deal with  
2     criminal investigation.

3     Q.    Are you familiar with an individual named Aabid Hussein  
4     Khan?

5     A.    I am, Your Honor, yes.

6     Q.    And was he the subject of a criminal investigation?

7     A.    He was a subject of a criminal investigation, yes.

8     Q.    Did you have a name for that investigation?

9     A.    Operation Praline.

10    Q.    Could you spell that for the reporter?

11    A.    That's P-r-a-l-i-n-e.

12    Q.    And when did you first encounter Mr. Khan?

13    A.    Yes, on the 6th of June, 2006.

14    Q.    And where was that?

15    A.    At Manchester Airport in England.

16    Q.    Is he a resident of the United Kingdom?

17    A.    Yes. He's a resident of a city called Bradford.

18    Q.    Is that in West Yorkshire?

19    A.    That's in West Yorkshire, yes.

20    Q.    What was he doing at the airport?

21    A.    He was arriving on the Pakistani International Airlines  
22    flight from Islamabad.

23    Q.    Where is it that your team encountered Mr. Khan within the  
24    airport?

25    A.    Yes, officers that work for me met him at the immigration

1 desk.

2 Q. Is that where he would show his passport to --

3 A. Yes, that's border control, that's where he would first go  
4 and show his passport.

5 Q. And had you verified his identity at that point?

6 A. Yes. He produced his passport and verified that he was  
7 Aabid Hussein Khan.

8 Q. Did he have any bags with him when he --

9 A. Yes. He had --

10 Q. Could you wait until I finish my question before you start  
11 answering, otherwise the court reporter will have trouble  
12 recording everything.

13 A. Sorry about that.

14 Q. Thank you. So had he -- did he have any bags with him  
15 when he was at the border control?

16 A. Yes. He had a carry-on bag.

17 Q. And what happened, what happened next after your team  
18 stopped him at the border control?

19 A. After confirming his identity they took him down to the  
20 baggage reclaim carousel and he picked up further baggage that  
21 had obviously been in the hold of the airplane.

22 Q. And how many bags did he pick up there?

23 A. He had a suitcase, a roll-on, and some carry-on bags.

24 Q. Where did you -- did you transport Mr. Khan anywhere  
25 within the airport?

1     A.    Yes.  Once he collected his baggage we then took him to a  
2     secure facility within the airport.

3     Q.    And was he eventually detained?

4     A.    He was detained, yes.

5     Q.    Was he arrested?

6     A.    And arrested, yes.

7     Q.    Did you search his bags at any point?

8     A.    Yes.  His bags were searched by officers from my team,  
9     yes.

10    Q.    And did he have any computers or computer media with him?

11    A.    He did.  He had a laptop hard drive, obviously that wasn't  
12    in the laptop, it was just the hard drive.  He had a storage  
13    device and quite a number of items of CDs and DVDs.

14    Q.    And what were, if you recall, the exhibit numbers that  
15    were assigned, first to the hard drive?

16    A.    The hard drive was MB, that's Mike Bravo, 12-A.

17    Q.    And the storage device?

18    A.    That's Mike Bravo 13-A.

19    Q.    And the 20 CDs or however many CDs?

20    A.    There were a number of CDs but the main interested CDs,  
21    the main CDs we had an interest in were assigned MB-14.

22    Q.    Now, did he have any items concealed or hidden within his  
23    luggage?

24    A.    Yes.  Within clothing within the suitcase there was a  
25    number of documents stored and concealed in a number of items

1 of clothing.

2 Q. At some point did you receive an official request from the  
3 FBI here in the U.S. for Mr. Khan's digital media and  
4 computers?

5 A. Yes, I did.

6 Q. And did that request also include any telephone numbers  
7 that you may have associated with Mr. Khan?

8 A. Yes. The request was for the computer media and the  
9 documentation.

10 Q. And did you send an exact copy of the digital media to the  
11 FBI?

12 A. Yes. The digital media was imaged, an exact copy was sent  
13 across to the FBI, yes.

14 Q. And your team, as well, analyzed the digital media that  
15 you had obtained from Mr. Khan?

16 A. We did, yes.

17 Q. And on that did you locate any videos of Washington, D.C.?

18 A. Yes. There was two videos that recorded what would appear  
19 to be on an unknown mobile phone or something similar.

20 Q. Are you familiar with something called At-Tibyan  
21 Publications?

22 A. I am, Your Honor, yes.

23 Q. And what is it?

24 A. It's an Islamic forum site, chat site.

25 Q. I'm sorry?

1 A. It's an Islamic forum chat site.

2 Q. And did you locate any files associated with Tibyan  
3 Publications on Mr. Khan's digital media?

4 A. Yes. On one of the disks that was recovered it was their  
5 administration rights to At-Tibyan Publications.

6 Q. Did you locate a backup of the site as well?

7 A. Yes. There was a backup of the site on another CD that  
8 was recovered, yes.

9 Q. Did you determine -- did you locate any instant messages  
10 or e-mails or communications on his digital media?

11 A. Yes. There was quite a number of chat sessions, e-mail  
12 chat sessions, yes.

13 Q. And did you determine whether he used any particular  
14 monikers or names or e-mail addresses?

15 A. He used a number of e-mail addresses and monikers, quite a  
16 substantial number, actually, yes.

17 MS. COLLINS: Can we put up Exhibit 42, please? If  
18 you can highlight the header or blow up the header information.

19 Q. (By Ms. Collins) Taking a look at the subject line, it  
20 says: "From Abu Umar." Are you familiar with that name, Abu  
21 Umar?

22 A. I am, yes.

23 Q. And who uses that name?

24 A. Aabid Hussein Khan.

25 Q. And how are you able to determine that?

1 A. Through various investigations into the data that were  
2 recovered from the CDs and the hard drive.

3 Q. Can you take a look on your desk? There should be  
4 something marked Exhibit 95.

5 A. Yes, there is, Your Honor.

6 Q. Do you recognize that?

7 A. I do.

8 Q. And what is it?

9 A. It's an MSN chat session.

10 Q. And does it include -- who are the participants?

11 A. Soldier of Allah and Abu Umar.

12 MS. COLLINS: At this point, Your Honor, we'd like to  
13 admit Exhibit 95.

14 THE COURT: Any objection?

15 MR. SADEQUEE: No.

16 THE COURT: It's admitted.

17 MS. COLLINS: Thank you.

18 Can you show page 95 and -- excuse me, Exhibit 95 and  
19 go to page 7 and blow up the last -- the bottom half of the  
20 page, please?

21 Q. (By Ms. Collins) Is this an example of something that  
22 helped you determine who Abu Umar was?

23 A. It is, Your Honor. And to my previous answer, Stealth  
24 Assassin is another communiqué that's come in to the chat.

25 Q. And here Stealth Assassin, if you don't mind reading just

1     what Stealth Assassin says and then Abu Umar follows.

2     A.    Yes.  He says, "masha'allah," which is "as God has  
3     willed," and Abu Umar says "Aabid Hussain Khan."

4     Q.    Above that Stealth Assassin had asked him what his real  
5     name was?

6     A.    Yes, and he said, "Aabid."

7                 MS. COLLINS:  Now can you show Exhibit 48, it should  
8     be in evidence already, and just highlight above the header  
9     portion.

10    Q.    (By Ms. Collins)  This is an e-mail and the From is  
11    abeumar@thadiq.com?

12    A.    That's right, Your Honor, it is.

13    Q.    Is this an e-mail address that you are also familiar with?

14    A.    I am, Your Honor.

15    Q.    And who uses that e-mail?

16    A.    Aabid Hussein Khan.

17    Q.    Take a look on your desk at Exhibit 96.  Do you recognize  
18    that?

19    A.    I do, Your Honor.

20    Q.    And what is it?

21    A.    That's some form of a Lex document, a Microsoft document  
22    that was sent, I believe, through e-mail.

23    Q.    And is it signed by Aabid Khan?

24    A.    It's signed by Aabid Khan, United Kingdom, yes.

25    Q.    And does it contain the e-mail address that we just looked

1 at?

2 A. It does, Your Honor.

3 MS. COLLINS: At this point we'd move to admit  
4 Exhibit 96.

5 THE COURT: Any objection?

6 MR. SADEQUEE: No.

7 THE COURT: It's admitted.

8 MS. COLLINS: Thank you.

9 Q. (By Ms. Collins) And just to be clear, in blue italics,  
10 those are not in the original document; is that correct?

11 A. That's correct, Your Honor, they aren't.

12 Q. Those are translations that were added later?

13 A. That's right.

14 Q. Taking a look at that last paragraph and the signature at  
15 the bottom, it's signed. What is it signed?

16 A. It's signed Aabid Khan.

17 Q. And the e-mail address that is provided in the first line,  
18 is that the same e-mail address that was on the prior exhibit  
19 that we saw?

20 A. That's correct, Your Honor, it is.

21 Q. Now throughout your investigation did you become familiar  
22 with the telephone number, and I'll just read it,  
23 00923005604920?

24 A. I did, Your Honor, yes.

25 Q. And what is that -- what country does that phone number --

1     A.     It's a Pakistani telephone number.

2     Q.     The country Pakistan?

3     A.     Yes.

4     Q.     And did you determine whether Mr. Khan had any connection  
5     to that telephone?

6     A.     I did.

7     Q.     What was his connection?

8     A.     His connection was whilst he was in Pakistan he used that  
9     number.

10    Q.     And take a look at the Exhibit 98. It should be on your  
11    desk.

12    A.     Yes.

13    Q.     Does that contain the telephone number that you determined  
14    Mr. Khan used in Pakistan?

15    A.     That's his number, Your Honor, yes.

16           MS. COLLINS: Your Honor, we'd move to admit  
17    Exhibit 98.

18           THE COURT: Any objection?

19           MR. SADEQUEE: No.

20           THE COURT: It's admitted.

21           MS. COLLINS: No further questions, Your Honor.

22           THE COURT: Mr. Sadequee?

23                           CROSS-EXAMINATION

24    BY MR. SADEQUEE:

25    Q.     Good morning.

1     A.     Good morning, sir.

2     Q.     You were, if I understand correctly, in the investigation  
3     of all of my co-defendants in the UK?

4     A.     I was involved with defendants in the UK, yes.

5     Q.     Aabid Khan, Younis Tsouli?

6     A.     No. I was involved with Aabid Hussein Khan and a number  
7     of his co-defendants.

8     Q.     And that was code named Operation Praline?

9     A.     That's right, Your Honor, it was, yes.

10    Q.     Could you explain the name, where --

11    A.     It's just an operation name. Praline was just an  
12    operation name that was given. It doesn't have any relevance  
13    to the investigation, it's just the name of the operation.

14           MR. SADEQUEE: No further questions.

15           THE COURT: Ms. Collins, any redirect?

16           MS. COLLINS: No, Your Honor.

17           THE COURT: Does anybody want the detective sergeant  
18    subject to recall?

19           MS. COLLINS: No, Your Honor, not from the  
20    government.

21           THE COURT: Mr. Sadequee?

22           MR. SADEQUEE: No.

23           THE COURT: We appreciate your testimony. I'm  
24    releasing you but you should not discuss your testimony until  
25    you hear the case has been concluded and thank you for being

1 with us.

2 THE WITNESS: Your Honor, thank you.

3 THE COURT: Call your next witness, please.

4 MR. MCBURNEY: James Allen.

5 THE COURT: Mr. Allen, if you will come forward and  
6 stand in the witness box, I'll have you sworn in.

7 THE COURTROOM DEPUTY: Please raise your right hand.

8 JAMES ALLEN,

9 being first duly sworn or affirmed, was examined and testified  
10 as follows:

11 THE COURTROOM DEPUTY: Please be seated.

12 DIRECT EXAMINATION

13 BY MR. MCBURNEY:

14 Q. Good morning.

15 A. Good morning.

16 Q. Would you please spell your name for the record?

17 A. It's James Allen, J-a-m-e-s A-l-l-e-n.

18 Q. Where do you work, sir?

19 A. At the Federal Bureau of Investigation, Atlanta office.

20 Q. How long have you been with the FBI?

21 A. For nine years.

22 Q. Always down here in Atlanta?

23 A. Started my career in Seattle.

24 Q. How long have you been in Atlanta?

25 A. For about the last nine years.

1     Q.     Short stay in Seattle?

2     A.     Yes.

3     Q.     Were you --

4             THE COURT:   Before we -- I had missed an opportunity  
5     to take our mid-morning break.  I suspect, because I saw the  
6     number of documents that were delivered to him, that he might  
7     be a lengthy witness?

8             MR. MCBURNEY:  Yes, sir.

9             THE COURT:   Let's take a 15-minute mid-morning break.  
10    We will be recessed for 15 minutes.  While we are, of course,  
11    don't discuss the case because the evidence is still coming in.

12            (Jury retired from the courtroom at 10:30 a.m.)

13            THE COURT:   I'm sorry, I just thought this was the  
14    right time to do that.  Anything we need to discuss before we  
15    break for our mid-morning break?

16            MR. MCBURNEY:  No.

17            THE COURT:   We'll be in recess until quarter till.

18            (Recess, 10:30 a.m. to 10:47 a.m.)

19            THE COURT:   You may be seated.  Are we ready to bring  
20    the jurors back in?

21            MR. MCBURNEY:  Yes, sir.

22            (Jury returned to the courtroom.)

23            THE COURT:   Please continue.

24            MR. MCBURNEY:  Thank you, Judge.

25     Q.     (By Mr. McBurney)  Agent Allen, did you participate in the

1 FBI's investigation into the defendant and Syed Haris Ahmed?

2 A. Yes, I did.

3 Q. Are you aware that at some point law enforcement in the  
4 United Kingdom seized digital evidence, hard drives, CDs,  
5 et cetera, from one Aabid Hussein Khan?

6 A. Yes, I am.

7 Q. Was that evidence at some point transferred to the FBI for  
8 exploitation by forensic experts?

9 A. Yes.

10 Q. Have you had an opportunity to review some of the chats  
11 and e-mails and other documents that were recovered from the  
12 digital evidence of Aabid Hussein Khan that pertains to this  
13 case?

14 A. Yes.

15 Q. Have you also had an opportunity to review some of the  
16 postings, the private messages from the Tibyan website that was  
17 reconstituted by a computer expert by the FBI?

18 A. Yes.

19 Q. In front of you are Exhibits 105 through 153, then 156 and  
20 157. Are you familiar with these exhibits?

21 A. Yes, I am.

22 Q. Do they come, for the most part, from either Aabid Hussein  
23 Khan's hard drives or digital evidence or the Tibyan Pubs  
24 rebuilds?

25 A. Yes, they do.

1 Q. And do they all pertain to the FBI's investigation into  
2 Defendant Sadequee and Syed Haris Ahmed?

3 A. Yes.

4 MR. MCBURNEY: The government tenders Exhibits 105  
5 through 153 and 156 and 157.

6 THE COURT: Any objection?

7 MR. SADEQUEE: No.

8 THE COURT: They're admitted.

9 Q. (By Mr. McBurney) We'll start at the beginning.

10 A. Okay.

11 Q. I want to talk about a series of saved chats from Aabid  
12 Hussein Khan's digital evidence that pertain to planning to get  
13 to Canada and ultimately to Pakistan. Let's start with  
14 Government's Exhibit 105.

15 Before we get into any content, let's just talk  
16 format here. Are all of the saved chats that we're going to  
17 talk about -- most of the saved chats that we're going to talk  
18 about today from Khan's digital media in this format, where  
19 each line, each entry by a participant in the chat is separated  
20 by a horizontal line?

21 A. Yes.

22 Q. There's a date column for these chats. In what format is  
23 the date?

24 A. The date on this one at the top would be April 16th, 2005.

25 Q. So it's day of month, month, and then year?

1     A.     Correct.

2     Q.     And then we have a time. Do you know whether that's the  
3     time where Khan was or Sadequee or anyone else?

4     A.     I don't know which, whether it's the recipient or the  
5     sender.

6     Q.     Then we have a From column and To. In this particular  
7     chat, 105, who are the three participants?

8     A.     The first participant, the From, is Defendant Sadequee.

9     Q.     Aboo Khubayb al-Muwahhid?

10    A.     Yes.

11    Q.     That's Defendant Sadequee?

12    A.     Correct.

13    Q.     We have an Abu Umar at -- I don't know how you pronounce  
14    that, but Abu Umar, who is that?

15    A.     That is Khan.

16    Q.     And then the communicants are separated by commas, so  
17    there's one other communicant, it sort of goes off the edge of  
18    the screen there, but it's equals, three dashes, a J, three  
19    dashes and an equals. Who is that?

20    A.     That is Azdee Omani.

21    Q.     Khan is based in the UK. Where is Azdee?

22    A.     Azdee is in Canada.

23    Q.     All right. If we could go back to the full page, page 1,  
24    and if you would read Defendant Sadequee's entry that starts at  
25    6:31:52, what question does he ask?

1     A.     Sadequee asks: "How is the football game scheduling?"

2     Q.     Was there any evidence that you're familiar with in this  
3     case that relates to Defendant Sadequee and others being  
4     interested in either American football or soccer?

5     A.     No.

6     Q.     If we go down to the bottom of the page, what does Khan,  
7     Abu Umar, say in response to the question about how is the  
8     football game scheduling, starting with, "The second coach"?

9     A.     Khan responds: "The second coach can teach them at the  
10    sports center with our weekend classes. The call to Islam  
11    society here holds."

12    Q.     And he goes on.

13    A.     "Whilst first coach is with us for the more mature game."

14    Q.     Then the defendant asks?

15    A.     "So the date is set?"

16    Q.     Let's go to page 2. And we'll be jumping through pages  
17    here. All right, so the defendant continues on, on page 2 what  
18    does he say?

19    A.     The defendant says: "So you don't know what the date is?"

20    Q.     And Khan responds at 6:43:03?

21    A.     "No specific date yet brother as the coach" --

22    Q.     That's it, "no specific date yet." The bottom of the page  
23    the defendant continues on?

24    A.     Defendant says --

25    Q.     The final line.

1     A.     "Any idea, though, like can you give approximate of how  
2     many weeks you're talking about, estimate?"

3     Q.     Khan says?

4     A.     "Minimum three weeks."

5     Q.     And then the defendant responds?

6     A.     It says: "Good, God willing, I will be getting back my  
7     PP, God willing, in about six weeks or so, make prayer."

8     Q.     And PP is a reference to what?

9     A.     Passport.

10    Q.     Let's jump to page 5. At 6:51:55 the defendant asks  
11    another question of the group. What does he ask?

12    A.     Defendant asks: "I was wondering if the chapter from the  
13    Quran about the spoils of war takes a longer time and I come to  
14    Candyland, then how will I stay in the apartment?"

15    Q.     During the course of this chat, which is fairly long, and  
16    a series of others we'll go through, what country were the  
17    defendant and Azdee and Abu Umar Khan and others talking about  
18    going to initially? Where was the first stop?

19    A.     Going to Canada.

20    Q.     So the defendant asks: "How will I stay in the  
21    apartment?" And then Azdee chimes in at 6:52:03, what does he  
22    say?

23    A.     Azdee responds: "Something called job."

24    Q.     All right. Top of page 6, defendant asks?

25    A.     "Will they hire an American with no visa?"

1 Q. On page 7, at 6:52:56, what happens?

2 A. An additional participant gets added to the conversation.

3 Q. Who's that?

4 A. Deenin@gawab.com.

5 Q. And Deenin is known by what first name?

6 A. James.

7 Q. The defendant, at 6:53:11, responding to you, "Come up  
8 here and work," says what?

9 A. The defendant says: "Man, then I might as well stay here  
10 and work with Turab and Salaam."

11 Q. Turab is who?

12 A. That was Defendant Haris.

13 Q. Syed Haris --

14 A. Syed Haris Ahmed.

15 Q. Let's jump to page 10. The defendant asks, at 6:55:46,  
16 what?

17 A. 6:55:56?

18 Q. 46.

19 A. 46. "Who else is going to live in the apartment?"

20 Q. And J responds? And it will carry on to the next page.

21 A. He responds: "It will be you." Then there's halfway down  
22 the page: "Nek Mohammed Junior, Aboo Sulaiman and if the beast  
23 comes down."

24 Q. Okay. Okay, page 15, at the very bottom, the defendant  
25 asks what question?

1 A. "What's the point of coming and then staying there for  
2 three months? I thought we would be leaving by June."

3 Q. Then on page 16, his first entry, he clarifies what  
4 leaving means. What does he say?

5 A. He says: "Leaving this continent."

6 Q. Let's go to page 18. In response to defendant's questions  
7 about timeline and time frame, et cetera, what does Khan say,  
8 starting at 7:02:20?

9 A. He says: "It's not instant, Khubayb."

10 Q. Continue.

11 A. "How much can you brothers gather between you after your  
12 costs when you come up. The plan we have for here is going  
13 along but we can't hurry it up more than we need to as it's not  
14 easy thing and we can't give out exact dates, either. Sorry,  
15 folks."

16 Q. And what's his final line on page 18, Khan's final line?

17 A. He says: "Everything I give out won't be exact on MSN  
18 anyway."

19 Q. MSN is a reference to what?

20 A. The chat service they use.

21 Q. Let's go to page 25. Deenin is now, James, is now in the  
22 conversation. What does he say at 7:11:28?

23 A. He says: "Now if you, Khubz, think there's no point to  
24 coming early, then fine, but I think you should come and  
25 solidify the plan, cuz the plan is not just about the money,

1 it's about going."

2 Q. "The plan is not just about money, it's..."

3 A. "...about going."

4 Q. Next page, 26. At 7:12:39, the defendant proposes  
5 something. What does he say?

6 A. Defendant says: "How about this?" And then is  
7 interrupted and continues: "God willing, I come and maybe  
8 Turaab, too, but he wants to go to Pak directly from here and  
9 if the plan seems flowing smoothly by then, then I stay, but if  
10 it seems slow still, I come back."

11 Q. Pak is short for what?

12 A. Pakistan.

13 Q. And Turaab, again, is?

14 A. Turaab is Haris Ahmed.

15 Q. On page 28 and 29 -- we don't need to put it up on the  
16 screen -- does the defendant pose that same question again?

17 A. Yes. He repeats himself, saying the same thing.

18 Q. Page 31 at 7:19:55 what does the defendant ask?

19 A. Defendant asks: "But how would my being in TO help us go  
20 to Pak faster?"

21 Q. TO is?

22 A. Toronto.

23 Q. Is that where Azdee and this James are based?

24 A. Correct.

25 Q. What city did the defendant and Syed Haris Ahmed go to in

1 March of 2005?

2 A. Toronto.

3 Q. And this is April of 2005?

4 A. That's correct.

5 Q. What does Deenin James say in response to the defendant's  
6 question about why do I need to go to Toronto?

7 A. Deenin responds: "Planning, man, we can't talk this stuff  
8 on the 'net."

9 Q. Page 32 at the top, Abu Umar, Aabid Hussein Khan, tells  
10 the other three what?

11 A. He says: "Brothers, the deal is, I'll be straight, if any  
12 of us are expecting let's all go paintballing next week all of  
13 a sudden, please go back to your homes, if you don't make some  
14 sacrifice and have patience with each other, I got..." --

15 Q. That's fine. Page 34, in the middle of the page at  
16 7:26:00, the defendant has a slight change of tune. What's he  
17 saying now?

18 A. Defendant says: "Yeah, I think I might have to come mid  
19 or end of May due to my PP will take six weeks to arrive."

20 Q. PP, again, is?

21 A. Passport.

22 Q. Then what does he ask at the bottom of the page?

23 A. He says: "Also, do you know if I would need a visa to  
24 leave Canada?"

25 Q. And then go on to the next page, those two lines.

1     A.     "Like if I enter Canada without visa can I leave for  
2     abroad?"

3     Q.     Page 43 -- and just so we get a sense of the duration of  
4     some of these chats, this chat started at someplace on Earth,  
5     it was 6:31:22. Now we're on page 43, we're going to talk  
6     about what Deenin says at 7:34:03. How long have these people  
7     been online chatting by page 43?

8     A.     Over an hour.

9     Q.     What does James, Deenin, say at 7:34:03?

10    A.     He says: "First of all, Khubz, you and Turab, Turab is  
11    pointless staying there."

12    Q.     And he goes on to say?

13    A.     "Cuz that money is useless for going, you know that."

14    Q.     Khubz, that's shorthand for?

15    A.     Khubz is shorthand for Defendant Sadequee.

16    Q.     The Aboo Khubayb moniker?

17    A.     Correct.

18    Q.     Then what does the defendant say in response?

19    A.     Defendant says: "Turaab wants to go directly to Pak."

20    Q.     And Deenin on page 44 responds? Read everything he says  
21    on page 44.

22    A.     He says: "With what? 500 U.S.? Seriously, so both come,  
23    you can't stay in the basement alone."

24    Q.     "You can't stay in the basement alone," this is Deenin,  
25    James, addressing the defendant. The basement is shorthand for

1     what?

2     A.     The term "basement," they refer to an apartment that they  
3     were all going to have together in Toronto.

4     Q.     Had Azdee and James been looking for an apartment in  
5     Toronto for the defendant and Syed Haris Ahmed?

6     A.     Yes, they had.

7     Q.     Bottom of page 45 at 7:35:34, what does Deenin say?

8     A.     Deenin says: "So tell the man to get over here. We have  
9     to plan, plan, plan."

10    Q.     And over on to the next page.

11    A.     "Everything perfectly."

12    Q.     Page 49 at the bottom, Defendant Sadequee, at 7:38:04,  
13    asks?

14    A.     The defendant asks: "Yeah, but how am I supposed to leave  
15    Cand?"

16    Q.     And then he finishes his sentence on page 50.

17    A.     "For abroad."

18    Q.     What does J, Azdee say in response?

19    A.     He responds: "You can get your passport DHL'd."

20    Q.     DHL is what?

21    A.     Express overnight service, like FedEx.

22    Q.     And what does Defendant Sadequee say in response to the  
23    notion of having his passport DHL'd to wherever he is in  
24    Canada?

25    A.     Defendant responds: "You want me to give them the address

1 of where we will be in TO?"

2 Q. Okay, moving along, page 65, at 7:47:18, what does the  
3 defendant ask?

4 A. The defendant asks: "How much is the rent?"

5 Q. And the response by Deenin at 7:47:32?

6 A. "1300, first month, last month."

7 Q. And then J clarifies right below him?

8 A. "650 per month."

9 Q. And then on the next page, 66, J, Azdee converts that to  
10 U.S.?

11 A. Converts it to 400 U.S.

12 Q. On page 67, the defendant responds, having heard what the  
13 monthly rent would be for the basement apartment, at 7:49:31.  
14 What does he say?

15 A. The defendant says: "Anyway, God willing, me and Turaab  
16 can pay that much."

17 Q. And then three lines down he says?

18 A. "If we get a good enough job."

19 Q. Bottom of page 71, the defendant asks his friends in  
20 Canada to do what for him? This is at 7:52:49.

21 A. He says: "And try to ask around for some work for me and  
22 Turaab."

23 Q. Azdee has a suggestion at the bottom of page 72 as to how  
24 to make money. What does he say at 7:53:22?

25 A. Azdee says: "Trust me, we can sell grass as weed to white

1 neighborhoods in Mississauga, Brampton."

2 Q. Bottom of page 73, the defendant describes what he does in  
3 the U.S. What does he say at 7:54:04?

4 A. The defendant says: "I work as an administrative  
5 secretary in a nonprofit org here, so if possible something  
6 like that."

7 Q. Okay, let's move to the next one, Government's Exhibit  
8 106. Now, 105 you gave us the date, it was April 16th, 2004.  
9 What's the date of this chat?

10 A. April 16th, 2005. This one is April 18th, 2005.

11 Q. So we've moved two days forward in the year 2005?

12 A. Correct.

13 Q. We have a new participant in the chat, Aboo Turaab  
14 al-Qurashee. Who is that?

15 A. Aboo Turaab is Syed Haris Ahmed.

16 Q. And also in this chat we have Aboo Khubayb Al-Muwahhid.  
17 That is?

18 A. That is Defendant Sadequee.

19 Q. Abu Umar again?

20 A. Khan.

21 Q. And J is back.

22 A. Azdee.

23 Q. If we start at 1:10:04, the second line in the chat, what  
24 does the defendant say?

25 A. He says: "Azdee, tell this guy the deal."

1 Q. And what does Azdee say in response?

2 A. Azdee says: "Yeah, so, leader Turaab, we need you here on  
3 the 15th with Khubz."

4 Q. What does Turaab say in response?

5 A. "Man, I was planning to go to Pak Land."

6 Q. And Azdee?

7 A. Says: "Brother, with what money?"

8 Q. Then if you go to page 2, in the middle of the page,  
9 1:11:06, what does Syed Haris Ahmed say his plan was?

10 A. Ahmed says: "My plan was to study in authentic madrassa  
11 until you guys joined."

12 Q. Azdee responds?

13 A. "Yeah, but with what money? You're not going to Pak with  
14 \$500 spending money."

15 Q. And then Azdee says, at the bottom of the page?

16 A. "We need to organize here."

17 Q. Turn to page 3. What does Syed Haris Ahmed say at the top  
18 of the page?

19 A. He says: "Well, man, the madrassa is free."

20 Q. Azdee continues.

21 A. Azdee says: "Brother, we need to organize here. Khubz  
22 can't stay by himself."

23 Q. Syed Haris Ahmed asks?

24 A. "Who else is going to join us there?"

25 Q. What is it that Azdee says?

1 A. Azdee responds: "You, Khubayb, possibly Abu Umar and Aboo  
2 Sulayman for a few weeks and another Somali brother."

3 Q. And then Syed Haris Ahmed asks?

4 A. "And then we jet to Pak?"

5 Azdee responds: "Once we get funding, yeah."

6 Q. Okay. Jump to page 4, bottom of page 4, after this  
7 exchange and invitation for Ahmed to come up to Canada, what  
8 does he say at 1:14:28?

9 A. He says: "Well, man, let me do prayer for God's guidance  
10 on that."

11 Q. And then he continues on the next page.

12 A. "Because my heart was settled on the Pak plan."

13 Q. Let's jump to page 12. In this chat did Defendant  
14 Sadequee describe a dream that he had about himself and Azdee?

15 A. Yes.

16 Q. And Azdee describes his dream. What is his dream, page  
17 12?

18 A. Starting at 1:23:12?

19 Q. Yes, sir.

20 A. "I had a worse dream, man. Me and Saif were captured in  
21 the back of a Humvee getting sent to Bagram air base for  
22 torture."

23 Q. Let's go to page 23 -- 22, sorry. In the middle of page  
24 22, 1:39:07, what does the defendant say, just that one line?

25 A. "I can't stand this man."

1 Q. Then on the next page, page 23 at the top, what does he  
2 say and what does -- read the exchange between the defendant  
3 and -- at this point, when we get to the top of page 23, there  
4 are only two people left in the chat, others have left. Who  
5 are they?

6 A. We have Defendant Sadequee and we have Khan.

7 Q. Read the exchange between Sadequee, the defendant, and  
8 Khan.

9 A. Defendant starts out saying: "May God grant us martyrdom  
10 as soon as possible, amen."

11 And Khan responds: "I understand what you mean,  
12 tests are like that. We could be here for years, take for  
13 example," it's in Arabic, "God have mercy upon Khattab, he  
14 sought it in many places."

15 Q. And then Sadequee says?

16 A. "Man, if it takes too long I'm gonna do, become a martyr,  
17 God willing."

18 Q. Then Khan responds with two parentheses and a letter Y.  
19 Do you know what that means in chats? Like LOL might mean  
20 laugh out of loud or lots of laugh. What is a Y in two  
21 parentheses?

22 A. It's signaling thumbs up, approval.

23 Q. After talking about becoming a martyr, the two changed the  
24 topic. What does Khan say at 1:41:32?

25 A. He says: "Brother Turaab is the leader, yes."

1 Q. On page 24, what is Defendant Sadequee's response?

2 A. The defendant responds, "I don't know, LOL."

3 Q. He goes on to say, at 1:42:10?

4 A. He says: "I wouldn't make him leader, he is like  
5 al-Baraa'ibn Maalik. You know Umar said never make him leader  
6 because he is too death-seeking."

7 Q. He goes on at 1:42:33 to say?

8 A. "He could be a hazard."

9 Q. What does Khan say about Turaab at 1:42:56?

10 A. He says: "May God grant him martyrdom in heaven without a  
11 single reckoning."

12 Q. And Sadequee closes with, on that page?

13 A. On that page he closes with: "Amen and to us."

14 Q. 107, what day are we?

15 A. We are still on April 18th, 2005.

16 Q. We have as participants Defendant Sadequee, Abu Umar, and  
17 that's it for right now, but then someone joins here.

18 A. Azdee.

19 Q. Okay. Let's start at 1:55:41. What is Defendant Sadequee  
20 saying?

21 A. He says: "For leader this is my opinion, from a few  
22 angles we need someone who is not tied down, i.e., marriage,  
23 and someone who has experience a bit."

24 Q. Okay. On page 2, in the middle of the page, Azdee makes a  
25 suggestion. Who does he say?

1     A.    He says "Turaab" and then signals a thumbs up.

2     Q.    Top of page 3, what does Azdee say about Turaab?

3     A.    He says:  "Turaab's a mastermind."

4     Q.    What does the defendant say in response to that?

5     A.    The defendant responds:  "Thing about Turaab is he is too  
6    bait, and he is too soft with those who would disobey like with  
7    Falook."

8     Q.    Okay, we'll continue with his response in a minute.  The  
9    word "bait," do you encounter "bait" or "baitness" in these  
10  chats?

11  A.    Yes.

12  Q.    What does that mean?

13  A.    It's a reference to the fact that Turaab would be  
14  attracting attention from law enforcement.

15  Q.    Continue with what Defendant Sadequee was saying.  He  
16  says:  "Like with Falook."

17  A.    "Like with Falook, he was always trying to make excuses  
18  for him until finally Falook just stopped contacting us,  
19  doesn't even give us greetings."

20  Q.    That's fine, page 5.  At 1:59:14 the defendant is  
21  continuing to weigh in on the right qualities for a leader.  
22  What does he say?

23  A.    Says:  "But then at the same time I think we need someone  
24  who has experience and Abu Umar has been to the camps, so  
25  that's what my thoughts are."

1 Q. When it references to camps, in the context of the  
2 defendant and his conspirators' objective, what is "camps" a  
3 reference to?

4 A. Terrorist training camps in Pakistan.

5 Q. There was a reference to Falook and the jurors have heard  
6 some about Falook. Who is Falook?

7 A. Omer Kamal.

8 Q. Someone in Atlanta?

9 A. Correct.

10 Q. Page 10, at the top Khan is describing his view on a good  
11 leader. What does he say?

12 A. Khan says: "I won't go with anyone who is harsh with  
13 brothers either, in the sense he has no love or compassion for  
14 them."

15 Q. Then the defendant at 2:04:52 on that page says?

16 A. He says: "Man if you saw me with Falook," and then a  
17 smiley face, "but that guy has seriously..."

18 Q. Continue with what he says, it's broken up, J is  
19 interrupting him but on page 11.

20 A. He continues: "...but that guy has seriously broken off  
21 ties with us, yeah."

22 Q. All right, page 13, continuing to discuss Turaab, Syed  
23 Haris Ahmed, as a potential ameer for their group, at 2:06:57  
24 what does the defendant say?

25 A. "The only two things I would complain about Turaab is

1     this: 1, baitness, 2, too lenient."

2     Q.    Then he goes on to say?

3     A.    "Other than that, he is perfect."

4     Q.    Page 16, what does the defendant say on this page in  
5     reference to their group?

6     A.    He says: "Yeah, man, you know, another name I thought for  
7     us is Global Islamic Front, like the other one."

8     Q.    Bottom of page 17 to the top of page 18, what does the  
9     defendant say as they're discussing their plan?

10    A.    He says: "Man, this religion is great, this religion is  
11    great, man, may God let us sacrifice everything for it, amen."

12    Q.    108, this is a short one. What's the date of this chat  
13    found on Aabid Hussein Khan's digital media?

14    A.    April 20th, 2005.

15    Q.    There are two participants but only one of them is typing  
16    in this one. What does the defendant say to Khan at 16:56:25?

17    A.    He says: "Turaab sent me an e-mail to forward to all you  
18    bros."

19    Q.    There's an entry at 17:02:10, it looks like a web address  
20    of some sort. What is You Send It?

21    A.    This is a link to You Send It. You Send It is a file  
22    sharing website where a user can upload whatever file and other  
23    users then, with a password, can download that same file.

24    Q.    You mentioned with a password. If I upload something on  
25    You Send It, is it there available for any one to grab and get?

1 A. No. You would need a password.

2 Q. So you then would send someone whatever the magic link is  
3 to get the particular thing you uploaded?

4 A. Correct.

5 Q. And that date is April 20th, 2005. Let's look at  
6 Government's Exhibit 109. If we could magnify this, let's  
7 start with the top half. This is not a chat. What is this?

8 A. This is an e-mail.

9 Q. What's the date of this e-mail?

10 A. This e-mail is dated Wednesday, April 20th, 2005.

11 Q. It is an e-mail from al-muwahid@hotmail.com. Who used  
12 that e-mail address?

13 A. Syed Ahmed.

14 Q. It is an e-mail to almuwahhid@hotmail.com with no hyphen.  
15 Who is that?

16 A. That is Defendant Sadequee.

17 Q. Please read the contents of this e-mail.

18 A. Okay. It begins: "Pass it on to everyone who is coming  
19 for the celebration of Mother's Day."

20 It says: "Peace be upon you. This is a message  
21 regarding the Mother's Day celebration that we are planning in  
22 the curry place and beyond restaurant. I think that Mother's  
23 Day is just right at the corner and if we do not do our jobs  
24 right, the party might not be arranged fully and with some of  
25 the people going to the restaurant while others not being able

1 to go. That would be horrible. I have the membership of the  
2 curry place restaurant, so does AO, so we can get there without  
3 any prior reservations. But Khubz, James and AZ need to have  
4 reservation from the reservation staff. I suggest that this be  
5 done now. It takes time to get reservations so people must  
6 start planning instead of hoping for the best. We need to try  
7 our best and then pray to Allah, not just try to do things at  
8 the last moment. We know that how much curry place restaurant  
9 has respect for the Towers restaurant, and since Khubz has the  
10 membership of the Towers, it should be relatively easier for  
11 him but he still needs to find out the information, can't rely  
12 on this assumption that it will be walk in. James probably has  
13 some relatives with the membership of curry place, so he might  
14 be able to get there easily, too, but what about AZ? Has any  
15 info been researched? What is to be done? Also, the  
16 get-together at the basement is not as important as this  
17 Mother's Day celebration. The curry place is our main area for  
18 picnic and then to spend the night at the Mountain Hills  
19 National Park. I think at this stage, individuals have  
20 responsibility to find out about the reservations issue and  
21 call for reservations ASAP. Khubz membership for the Towers is  
22 being renewed so he is stuck, but AZ must start to call for  
23 reservation now. At least find info from the reservation staff  
24 near his place. I think it is not a good idea to walk in the  
25 restaurant in group, they might say that we already have too

1 many guests and might not let us in, so it is advisable to in  
2 by whatever means possible. Individuals or couples, it's up to  
3 the person. But it must be done quick. I also think that  
4 since the issue is of Mother's Day and is important to each and  
5 every one of us, if some people can't come to the restaurant,  
6 they should chose any other restaurant such as rivers front to  
7 go. Because the important thing is to be in picnic, if we are  
8 separate due to circumstances then it is to be dealt with  
9 patience. More later."

10 Q. I'll ask you a few questions about this e-mail from Syed  
11 Haris Ahmed to Defendant Sadequee. First, what is the initial  
12 directive from Syed Haris Ahmed to the defendant?

13 A. He says: "Pass it on to everyone who is coming."

14 Q. Now, there are repeated references to curry place and  
15 restaurant, et cetera. "We're planning in the curry place  
16 beyond restaurant."

17 If we go partway down, Syed Haris Ahmed writes:  
18 "While I have the membership of the curry place restaurant and  
19 so does AO." Syed Haris Ahmed was a U.S. citizen. Did he have  
20 citizenship with any other country?

21 A. Yes, he did.

22 Q. What was that?

23 A. Pakistan.

24 Q. And Abu Omar, AO, he's a UK citizen. Did he have  
25 citizenship in any other country?

1 A. Yes, also Pakistan.

2 Q. Based on those two facts, where is curry place?

3 A. Pakistan.

4 Q. So Ahmed and Khan can get to curry place without any prior  
5 reservation but Khubz -- who's Khubz?

6 A. Khubz is Defendant Sadequee.

7 Q. Khubz and James, Deenin, the person we've seen in the  
8 chats?

9 A. Right.

10 Q. And AZ?

11 A. Azdee.

12 Q. "The three of them need to have reservation." Reservation  
13 is what?

14 A. Need to have a passport, visa, all the required  
15 documentation to get.

16 Q. Ahmed then writes: "We know how much curry place  
17 restaurant," you said that's Pakistan?

18 A. Pakistan.

19 Q. "...has respect for the Towers restaurant and since Khubz  
20 has membership of the Towers." Defendant Sadequee is a citizen  
21 of what country?

22 A. The United States.

23 Q. So Towers restaurant is?

24 A. Reference to the World Trade Towers for the United States.

25 Q. Now, Syed Haris Ahmed further down says: "The

1 get-together at the basement is not as important as this  
2 Mother's Day celebration."

3 The get-together at the basement is a reference to  
4 what, based on these chats we've just gone through?

5 A. The apartment or basement that they're referring to in  
6 Toronto where they were all going to live together and plan  
7 their trip to Pakistan.

8 Q. "...is less important than the Mother's Day celebration.  
9 The curry place is our main area for picnic and then to spend  
10 the night at Mountain Hills National Park."

11 The jurors have already heard some testimony about  
12 what mountain or mountains is shorthand for. What is that?

13 A. Afghanistan.

14 Q. So start in Pakistan and then get to Afghanistan. "Khubz  
15 membership for the Towers is being renewed."

16 We've seen lots of entries in these chats about the  
17 PP not being available for six weeks. What is that line a  
18 reference to?

19 A. That's a reference to his passport.

20 Q. Ahmed goes on to say: "I think it is not a good idea to  
21 walk in the restaurant in a group, they might say we already  
22 have too many guests."

23 What is he referring to there?

24 A. That they may need to separate and go in one or two at a  
25 time.

1 Q. And finally, if we could look at the second page, Syed  
2 Haris Ahmed says what? If some people can't come to Pakistan,  
3 where should they go? What is rivers front?

4 A. Rivers front is a reference to Iraq.

5 Q. The two rivers?

6 A. The Tigris and Euphrates rivers.

7 Q. Let's look at Government's Exhibit 110. We're still on  
8 April 20th, 2005. Is Government's 110 occurring later in time  
9 than 108? 108 was the chat -- we don't need to put it up --  
10 where Sadequee says, "Turaab sent me an e-mail to forward to  
11 all you bros," and you mention that You Send It. Is 110  
12 something that occurs later in time after that chat?

13 A. Yes, looks like they're separated by about five hours.

14 Q. Okay, it's between Abu Umar, that's Khan, and the  
15 defendant. What's the first thing, 22:26:36, that Khan  
16 cautions the defendant on?

17 A. Khan says: "Don't rely on public servers for carrying  
18 messages, brother."

19 Q. Then Khan goes down and asks or tells Defendant Sadequee  
20 what?

21 A. He says: "Brother, let him know I need to talk to him  
22 ASAP, insha'Allah. He has to give me a hand with organizing  
23 the tables and cards. If we leave it to everyone we will have  
24 chairs and tables in disorder."

25 Q. Let's move forward one day, Government's Exhibit 111,

1 April 21st, 2005, one participant in this chat is?

2 A. One is Defendant Sadequee.

3 Q. Then we have Al-Muwahid, you mentioned who that is?

4 A. Yes, that is Syed Ahmed.

5 Q. Then we also have Abu Umar involved?

6 A. Khan.

7 Q. The first page is an exchange of some sort between the  
8 defendant and Syed Haris Ahmed. Are you able to make heads or  
9 tails of anything that they are saying to each other?

10 A. No.

11 Q. Page 2, looks the same?

12 A. Looks the same.

13 Q. Let's go to page 3. At the bottom of page 3 for the first  
14 time Khan types something in. What does he say at the bottom  
15 of page 3?

16 A. Khan starts with: "Peace be upon you." And then he says:  
17 "Bon jour, parlez-vous Francais?"

18 Q. Very good. The final page, what is it that Khan points  
19 out to the Defendant and Syed Haris Ahmed?

20 A. He says: "Brothers you are encrypted."

21 Q. That same day, not much later in time, things having  
22 become unencrypted, we get to Exhibit 112. We're still at  
23 April 21, 2005. Who's involved in this chat? We have  
24 Al-Muwahid, who is?

25 A. Syed Ahmed.

1 Q. Aboo Khubayb?

2 A. Defendant Sadequee.

3 Q. And Abu Umar?

4 A. Khan.

5 Q. On this page, at 4:15:20, the defendant announces that he  
6 is doing what?

7 A. Defendant says: "I'm sending an e-mail to Pak embassy in  
8 Dhaka."

9 Q. Then on the bottom of page 2 the defendant says: "Here's  
10 my e-mail."

11 And we see the e-mail on page 3. What is in the  
12 defendant's e-mail? It's the top of page 3.

13 A. He writes: "Hey, how you all going? I need some help  
14 regarding the following: I am an American citizen and I am  
15 getting married to a Bangladeshi citizen and we plan to go to  
16 Pakistan for honeymoon and to visit relatives, et cetera. So  
17 my question is: Could you tell me what requirements me and my  
18 fiancée need to meet and what documents we need to come? Hope  
19 you can reply ASAP. Your help will be appreciated great."  
20 Then it continues: "Hope you can reply ASAP. Your help will  
21 be appreciated greatly. Thanks."

22 Q. Page 6 -- before we get into the question, so Defendant  
23 Sadequee is seeking help getting from what country to what  
24 country through that e-mail?

25 A. He's planning to get from Bangladesh to Pakistan.

1 Q. But in April of 2005 he's where?

2 A. He's still in the Atlanta area.

3 Q. Page 6, at 4:24:29, Khan advises the defendant and Syed  
4 Haris Ahmed to do what?

5 A. He says: "Brother Turaab and brother Khubayb, you  
6 brothers get all your things ready, make sure you have clean  
7 suitcases, no traces of anything in them like I did, PPs."

8 Q. PPs being?

9 A. Passports.

10 Q. Bottom of page 7, Khan provides more advice at 4:26:55, it  
11 goes on to the next page.

12 A. It says: "Get hold of visa forms online or I will get  
13 them for you and do a dummy fill in on them. Print them out  
14 and fill in and go through what you will say, et cetera."

15 Q. Sadequee changes the topic a little bit, the defendant  
16 does, at 4:28:00. What does he ask?

17 A. He says: "Brother, will we have enough money for the  
18 three of us and my wife, et cetera?"

19 Q. Then Turaab, Syed Haris Ahmed, asks what at 4:28:26?

20 A. He says: "Khubz, where will your wife stay in Pk?"

21 Q. And Khan, at 4:28:27, responds?

22 A. Says: "She will stay with my family, don't worry."

23 Q. Page 9, at 4:30:31, Sadequee says something and then Khan.  
24 What's said?

25 A. Sadequee says: "Thank God looks like things are set."

1                   And Khan responds: "Don't worry. We have  
2 practically three places to stay at least."

3   Q.   Then defendant asks a question?

4   A.   "What about azd and James?"

5   Q.   And Khan responds at 4:30:50, the bottom of the page, last  
6 entry on that page?

7   A.   He says: "That's sorted."

8   Q.   He goes on to say on the next page?

9   A.   "We have a whole house and a village to ourselves,  
10 insha'Allah, it was my mother's uncle's."

11   Q.   Keep going with what Khan says on that page.

12   A.   Khan continues, he says: "He once said to me, son, look  
13 at me, next time you come you won't see me alive." And then a  
14 smiley face.

15   Q.   All right. Defendant Sadequee interrupts him at 4:31:14  
16 asking about this village and the house. What does he ask?

17   A.   He asks: "Which doesn't get raided by the murtaddeen?"

18   Q.   And he goes on, complete his question.

19   A.   He goes on: "God willing, man, if they come rape our  
20 women" -- I'm sorry -- "it doesn't get raided by the  
21 murtaddeen, does it?"

22   Q.   Right. Then Khan responds at 4:31:34.

23   A.   Khan responds: "It doesn't and I hope it won't, God  
24 willing."

25   Q.   Then Defendant Sadequee says?

1 A. He responds: "God willing, man, if they come rape our  
2 women at Pak murtaddeen will turn a new page in history."

3 Q. Page 11, at 4:33:14, Khan asks what?

4 A. Khan says: "What's with Falook? He not up for dinner,  
5 does he not like chicken?"

6 Q. In response Sadequee, the defendant, says, at 4:33:33?  
7 And just keep going.

8 A. He says: "He said no for the rivers front restaurant so  
9 probably will say no to the curry place too."

10 Q. And, I'm sorry, I misspoke. The typist at 4:33:33 is  
11 Al-Muwahhid, that's not the defendant. Who is that?

12 A. That is Syed Ahmed.

13 Q. And he said: "He said no for the rivers front restaurant  
14 so probably will say no to the curry place too."

15 A. Correct.

16 Q. Then the defendant comes in at 4:34:17, bottom of the  
17 page, references Falook, who is?

18 A. Omer Kamal.

19 Q. And the defendant says?

20 A. The defendant says: "He isn't on the belief anymore, he  
21 might have apostatized. God knows best. He doesn't speak to  
22 us and avoids us."

23 Q. And he closes with?

24 A. "I have taken an oath to physically beat him when I meet  
25 him."

1 Q. All right, page 13, Khan makes a request at 4:36:09.

2 A. Khan gives a greeting. He says: "Keep informed and also  
3 keep the plans between us for now until I give you go ahead as  
4 not to confuse others."

5 Q. The defendant has a suggestion right after that. What  
6 does he say?

7 A. The defendant says: "But I think we should notify James  
8 and Adz because they are as we speak right now looking for  
9 apartments and basements. He told me he is going today so man,  
10 I feel bad. Azdee has the flu and still he is going everywhere  
11 looking for basements for us. Man, Turaab, you tell them."

12 Q. What does Syed Haris Ahmed say in response to that, Turaab  
13 you tell these guys to stop looking, what does he say?

14 A. He says: "Man, we -- I wrote in the message that basement  
15 is not as important as curry place."

16 Q. And is that language in -- you have 109 in front of you,  
17 we don't need to put it back up on the screen. Does Syed Haris  
18 Ahmed, in his Mother's Day e-mail that was to be distributed to  
19 everyone, say the basement is not as important as curry place?

20 A. Yes, he does.

21 Q. Page 15, the defendant shares a thought with Khan and Syed  
22 Haris Ahmed at 4:39:23. What does he say?

23 A. Defendant says: "Also I was thinking, we should be LT due  
24 to them being same Aqeedah, and they fighting against Hindus,  
25 so the apostates shouldn't bother us as opposed to if we go to

1 other apostate-haters."

2 Q. LT is shorthand for what organization?

3 A. Lashkar-e-Tayyiba.

4 Q. And fighting against the Hindus -- Lashkar-e-Tayyiba, if  
5 you know, typically engages against terrorist strikes against  
6 what government?

7 A. That would be like the conflict in the Kashmir region  
8 along the Pakistan-Indian border.

9 Q. And Khan, at 4:40:03, says?

10 A. Khan says: "But LT if we can't get on good terms -- but  
11 LT if we can get on good terms with some brothers, God  
12 willing."

13 Q. At the bottom of the page, 4:40:39, Defendant Sadequee  
14 describes the last main goal. What does he say?

15 A. He says: "And also, our main last goal is to get with the  
16 Students. Man, the Students are back with full force."

17 Q. The Students is a reference to what terrorist  
18 organization?

19 A. The Taliban.

20 Q. Khan cautions the defendant. What does he say right after  
21 that?

22 A. He says: "To be more safer in the decisions we make, on  
23 the 'net it is neither wiser nor practically good."

24 Q. Over the next pages the three participants in the chat are  
25 drafting a message that's going to be delivered. To whom is

1     this message going to go? We'll read the text of the message  
2     in just a second.

3     A.    Okay. They're discussing a message that they need to send  
4     to James and Azdee.

5     Q.    Before they get to the final version of that, the  
6     defendant has a question on page 29 at 5:05:28.

7     A.    The defendant says: "One question: When all three of us  
8     are in Pak, are we planning for Azd and James to come to Pak  
9     also while we are there and meet them; or are they going to  
10    wait until we come back to TO or will they not go to Pak at  
11    all?"

12    Q.    Page 30, top of the page, Syed Haris Ahmed says what about  
13    how one might get into Pakistan?

14    A.    He says: "Wedding is a good excuse to enter curry place,  
15    man. You say my friend getting married, they can't say no he  
16    is not."

17    Q.    Let's go to the bottom of the page at 5:10:08, Defendant  
18    Sadequee asks Khan what?

19    A.    He asks: "How much cash can you get for the three of us?"  
20    Or dollar sign.

21    Q.    Okay, fair translation. What does Khan say in response?

22    A.    Khan responds: "That will be seen, God willing, too much  
23    on MSN is (N)."

24    Q.    Now, the parentheses with a capital Y in it was thumbs up.  
25    What is parentheses with a capital N?

1 A. It's just the opposite, thumbs down. He's saying it's not  
2 good.

3 Q. Page 31, at 5:10:58, the defendant starts talking about  
4 some other people who might join them. What does he say? And  
5 read what he says from 5:10:58 down through 5:12:13.

6 A. He says: "Also Mu'aath told you that he is going to a  
7 football game other than yours and he wants to come to the same  
8 restaurant as us with some other bros who want to study and I  
9 think Ismiyy also wants to come to the restaurant with us."

10 Q. Page 33, at 5:15:17, we see the final version of this  
11 paragraph that they've been editing in this chat. What does it  
12 say?

13 A. Ahmed is writing at this point and he says: "The trip to  
14 TO has been rearranged by me and Abu Omar and instead we are  
15 going to spend that time and money getting some experience in  
16 cooking in the curry place restaurant and also clearing and  
17 finalizing accommodation for you and James until you come to  
18 the curry place restaurant. In the meantime you hold off on  
19 the apartment search until we give go ahead, unless it is  
20 needed for other bros."

21 Q. Trip to TO, TO is?

22 A. Toronto.

23 Q. Curry place restaurant?

24 A. Pakistan.

25 Q. Page 36, the defendant, at 5:20:34, the first entry of

1     that time, describes how the three of them, the defendant, Syed  
2     Haris Ahmed, and Khan, will continue to communicate about this  
3     issue. Read what he says.

4     A. He starts it, he says: "From now on gaim it, God willing,  
5     and if anyone needs to meet the council then just PM us and  
6     say, 'Do you have that book?'"

7             And then he continues: "PM on TP, that will be  
8     signal, God willing."

9     Q. Okay, couple of questions about that. Gaim, g-a-i-m, what  
10    is that?

11    A. It's just another messaging service that they had.

12    Q. And PM is shorthand for?

13    A. Private message.

14    Q. And TP -- "PM on TP, do you have that book, that will be  
15    the signal," what's TP?

16    A. Tibyan Publications.

17    Q. Government Exhibit 113, we're still on April 21, later in  
18    the day, only two participants in this chat. Who's involved?

19    A. We have Defendant Sadequee and Khan.

20    Q. Let's jump to page 5. They've been talking about how to  
21    get money to get to Canada, et cetera, and Defendant Sadequee  
22    has a plan. At 17:52:39, would you read what his plan is?

23    A. He says: "Also brother, I was thinking of a fast  
24    ghaneemah or loot path. You have ATM machines there?"

25    Q. Response?

1     A.    And the response is:  "Lots of them."

2     Q.    Then the defendant says?

3     A.    "If someone comes in to take some money out and he comes  
4    by car and he has some women or children in the car, when he  
5    walks out to the machine you bros go in the car with your  
6    weapons and when the guy comes back tell him to max out all his  
7    cards and then you jet.  You get it?"

8     Q.    Khan's response?

9     A.    He said:  "Got you."

10    Q.    And then the defendant asks what?

11    A.    "How practical is it, too complicated?"

12    Q.    We've talked a little bit about the jargon, the shorthand  
13    that's used in the online chatting community.  LOL stands for  
14    what?

15    A.    Laugh out loud.

16    Q.    Do you see any LOLs anywhere in this discussion about  
17    robbing people at ATMs?

18    A.    No.

19    Q.    Abu Umar at the top of page 6 answers how many people  
20    might be enough to do this and then he proposes a different  
21    plan.  What does he say?

22    A.    Khan starts:  "Two to three would be enough, a shop raid,  
23    this town is like this that it's small but full of banks, good  
24    stores."

25    Q.    Then the defendant cautions him.  What does he say?

1 A. "No man, a shop raid is too much, the people at the shop  
2 might have weapons, et cetera. ITM is easier."

3 Q. Then he goes on to say?

4 A. "And two or three bros is enough for ITM."

5 Q. Khan, who you told us is in the UK, says what at 17:56:29?

6 A. "Over here they don't, it's illegal to even --

7 Q. You may be touching the microphone. If you touch that  
8 there's a mute button on it.

9 A. Sorry.

10 Q. So let's try that again. What does Khan say?

11 A. Khan says: "Over here they don't, it's illegal to even  
12 defend yourself more or less, the thief gets away."

13 Q. Then Defendant Sadequee, at the bottom of the page?

14 A. Says: "But the thing is, with shop raids, it gets lots of  
15 media attention and the nonbelievers will be out to get you."

16 Q. And he continues the next page?

17 A. "But the ITM is low down and safer."

18 Q. Okay, let's look at 114. Now move to the next day, April  
19 22nd, 2005. And in this chat we have --

20 A. We have Khan and we have Syed Ahmed and we have Defendant  
21 Sadequee.

22 Q. The top of page 4, the defendant sets a deadline of sorts.  
23 What does he say?

24 A. The defendant says: "Man, look, I want to go to curry  
25 land by July at the latest."

1 Q. Then in the middle of the page, 3:43:29, the defendant  
2 introduces someone new to the plan. What does he say?

3 A. He says: "Okay, another thing, brothers, Mr. Bond wants  
4 to meet and I think me and Azdee should go, he is in Europe."

5 Q. Mr. Bond, is there someone associated with the  
6 investigation who goes by 007?

7 A. Yes.

8 Q. Who's that?

9 A. Tsouli.

10 Q. Younis Tsouli?

11 A. Yes.

12 Q. And he's based where?

13 A. In the UK.

14 Q. What does Khan say at the bottom after the defendant said,  
15 "Look, I need to go with Azdee over to see Bond," the bottom of  
16 page 4?

17 A. Bottom of page 4, Khan says: "Yes, brother, I live  
18 there."

19 Q. At the top of page 5 the defendant lays out the logistics.  
20 What does he say?

21 A. He says: "Turaab and you go to curry land, I go up to TO,  
22 meet with Azdee and James and then me and Azdee go to Europe to  
23 meet Bond. Let me invite this guy."

24 Q. Okay. Exhibit 115, same day, April 22nd, 2005, only two  
25 participants in this chat. Who are they?

1     A.     This is a chat between Khan and Syed Ahmed.

2     Q.     At 4:39:58 Syed Haris Ahmed asks Khan what question?

3     A.     He says: "How much money is required to go to j lands?"

4     Q.     Then Khan responds?

5     A.     "I went two years ago and I had about spent and cost,

6     et cetera, when I was in Pak, I think no more than 900, 1,000

7     pounds. The training itself is free."

8     Q.     At the top of page 2, at 4:41:08, wanting to know more

9     information, Ahmed asks what?

10    A.     "What is the main cost?"

11    Q.     Response?

12    A.     "The main costs are plane tickets and traveling costs.

13    That's all the main costs are. The food is free."

14    Q.     Continue with Khan.

15    A.     "Boarding free, you only pay for extra food you buy and

16    for your boots or similar clothing for training."

17    Q.     Then Ahmed asks a question.

18    A.     "Then after that j land?"

19    Q.     Khan is confused and says?

20    A.     "On the way back you mean?"

21    Q.     Ahmed clarifies.

22    A.     "No, after camps is going to j land cost anything?"

23    Q.     Khan says?

24    A.     "If anything not much but they launch you in to Kashmir or

25    bordering and -- "

1 Q. Let me stop you for a second before you go on. What  
2 terrorist organization launches people into Kashmir?

3 A. Lashkar-e-Tayyiba or other --

4 Q. Okay, continue with Khan.

5 A. After "Kashmir or bordering," he says: "And you will need  
6 money there for food, traveling by buses and accommodation if  
7 not provided."

8 Q. Then Ahmed asks a question.

9 A. He says: "Don't mujahideen also take ghaneemah or loot so  
10 it helps pay for it?"

11 Q. Khan responds?

12 A. He says: "Yes, they take the ghaneemah or loot from the  
13 battles, radios, guns, et cetera, even sometimes the money  
14 itself from killed enemy."

15 Q. All right. I want to shift gears a little bit and we're  
16 going to go back in time a little bit to chats involving the  
17 transfer of files between the defendant and Aabid Hussein Khan.  
18 Do you have Government's Exhibit 116 in front of you?

19 A. Yes, I do.

20 Q. What's the date of that chat?

21 A. April 19th, 2005.

22 Q. Solely between the defendant and Khan?

23 A. That's correct.

24 Q. Now, Khan explains that he's got a few tasks here. What  
25 kinds of things is he looking for or doing?

1     A.    He says:  "I got a few tasks here and they're done which  
2       means I can't get it done as quick, like the money for  
3       apartments.  We almost have it, insha'Allah."

4     Q.    It's a short chat.  On the second page the chat wraps up.  
5       What happens at 4:27:34?

6     A.    At 4:27:34 a file is sent, it's "transfer of llufe.jpg is  
7       complete."

8     Q.    And that file is being sent from whom to whom?

9     A.    It's being sent from Khan to Defendant Sadequee.

10    Q.    After the transfer is complete and the defendant has the  
11       file, what does he say?

12    A.    He says:  "We have videos of the bottom right one."  And  
13       then a smiley face.

14    Q.    What does Khan say?

15    A.    Khan responds:  "Can't wait to see them."

16    Q.    Was the file llufe, l-u-f-e, .jpg found on Aabid Hussein  
17       Khan's media, digital media?

18    A.    Yes, it was.

19    Q.    Let's put up 116-A.  Is that what the file llufe.jpg is?

20    A.    That's correct.

21    Q.    What is the bottom half of that image?

22    A.    It's Washington, D.C., downtown, the main mall in  
23       Washington, D.C.

24    Q.    There are two locations identified in Washington, D.C.,  
25       and Sadequee referred to the one on the right.  What's the one

1 on the right?

2 A. World Bank.

3 Q. Government's 117, this is a chat on April 26th, 2005.

4 This chat and the one we just looked at, April 19th, 2005, do  
5 those dates occur before or after the defendant's trip to  
6 Washington, D.C., to make the casing videos?

7 A. After.

8 Q. Only two people involved in this chat, Government's  
9 Exhibit 117, who?

10 A. Defendant Sadequee and Khan.

11 Q. Page 2 at the bottom, at 18:35:49, what does Defendant  
12 Sadequee ask Khan to do?

13 A. He's sending him a file.

14 Q. The two entries at 18:35:49, the first one he asks?

15 A. He says: "Read this whole thing, brother."

16 Q. And he says a web link?

17 A. Correct.

18 Q. Have you gone to this web link before?

19 A. Yes.

20 Q. Was the content that is at this address found saved on  
21 Khan's hard drive?

22 A. Yes.

23 Q. Bottom of page 3, Khan has looked at that website, which  
24 we'll talk about in a minute, and he says, at 18:37:06?

25 A. He says: "Hmm, I will add that to me my folder are

1     infor."

2     Q.     Then something happens at 18:30:41 that's not people  
3     typing back and forth.   What happens?

4     A.     At this point Defendant Sadequee is sending a file to Khan  
5     titled Jimmy's 13th Birthday.

6     Q.     Was there a file called Jimmy's 13th Birthday found on Abu  
7     Hussein Khan's computer?

8     A.     Yes, there was.

9     Q.     Was there a video file contained inside this .rar file?

10    A.     Yes.

11    Q.     Did that video relate in any way to the map we just saw  
12    showing the International Monetary Fund and the World Bank?

13    A.     Yes, it did.

14    Q.     It was video footage of which of those two landmarks?

15    A.     The World Bank.

16    Q.     Is it the same World Bank footage that was found on Syed  
17    Haris Ahmed's home computer, what we're calling the Brynbrooke  
18    hard drive?

19    A.     Yes.

20    Q.     Page 4, at 18:41:21, the defendant tells Khan what?

21    A.     He says:  "I am at work, brother, so please just download  
22    this."

23    Q.     Apparently something is slowing things down.  Khan says:  
24    "I'm closing other things."

25             At 18:47:45, on page 5, the defendant is describing

1     what's in this video.  What does he say?

2     A.    He says:  "This is the house where the main party took  
3     place.  Try to read the writing on the side of the house.  It's  
4     a bit hard, but you can read it."

5     Q.    Then at the top of page 6, at 18:49:45, the defendant  
6     says?

7     A.    The defendant continues:  "Plus if you think it will raise  
8     the morale and incite the football team then show it to them."

9     Q.    At 18:51:04 what does the defendant reveal?

10    A.    The defendant says:  "If my boss comes I will have to log  
11    off.  As you will notice in the film there are no alligators  
12    around the lake."

13    Q.    All right, page 7, at 19:01:21, what finally happened?

14    A.    At 19:01:21, the message is:  "You successfully  
15    received..."  --

16    Q.    You don't have to read the whole thing but what is that  
17    telling you?

18    A.    The file transfer is complete.

19    Q.    From the defendant to Khan?

20    A.    Correct.

21    Q.    Then the defendant asks, at 19:01:57?

22    A.    He says:  "Tell me if you can read the hieroglyphics."

23    Q.    At 19:02:24, the defendant tries to send another file.  
24    What's the name of that file?

25    A.    Volleyballcontest.rar.

1 Q. Does it go through?

2 A. No, it does not go through right away.

3 Q. Page 8, at 19:05:26, the defendant asks: "Did you read  
4 the hieroglyphics?" Khan responds?

5 A. Khan responds: "Professional, it's really good quality,  
6 praise God."

7 Q. Sadequee asks?

8 A. "You mean the swimming lake or the film video?"

9 Q. And he responds to the question?

10 A. Khan responds: "Video. And I notice something about the  
11 lake but we can discuss when gaming, God willing."

12 Q. Next page, page 9, at 19:10:26, the defendant tries to  
13 send Volleyball Contest a different way. What does he do this  
14 time?

15 A. He sends Volleyball Contest through You Send It.

16 Q. Volleyball Contest is another one of these .rar files.  
17 What was inside that container, if you will?

18 A. There was another film.

19 Q. Okay, a video that was taken by the defendant and Syed  
20 Haris Ahmed in Washington, D.C.?

21 A. Correct.

22 Q. What was on this film?

23 A. It was outside the Masonic Temple.

24 Q. Was the Masonic Temple something that was described --  
25 were directions to the Masonic Temple included in that website

1 that was at the beginning of this chat?

2 A. Correct.

3 Q. Let's look at Government's Exhibit 118. We don't have to  
4 march through all of this. This was the website that was found  
5 on Khan's computer?

6 A. That's correct.

7 Q. And that link that gets you there is the link that we just  
8 saw in the chat?

9 A. That's correct.

10 Q. Walking Tour of Old Town Alexandria. What directions are  
11 provided at the bottom of this website? You don't need to read  
12 it. It's directions to what?

13 A. It's directions to the George Washington Masonic National  
14 Memorial.

15 Q. And what, again, was depicted in the video that was  
16 contained in the Volleyball Contest file?

17 A. The same, George Washington Masonic National Memorial.

18 Q. 119, were these directions -- and we'll talk about what  
19 they're directions to -- found saved on Aabid Hussein Khan's  
20 digital media?

21 A. Yes, they were.

22 Q. These are directions from where to where in connection  
23 with the first video?

24 A. Yeah, they're directions to the World Bank.

25 Q. Whether you take the Metro or train, your final

1 destination is?

2 A. World Bank.

3 Q. Are you able to tell from this exhibit the date? I don't  
4 see one anymore. No, I'll withdraw the question.

5 MR. MCBURNEY: If I can have one second, and we're at  
6 a good break point, I have more with this witness but we'll be  
7 changing topics. That's all I have on the topic of  
8 transferring videos. I can move to another topic, I'm happy to  
9 keep going.

10 THE COURT: Let's keep going.

11 MR. MCBURNEY: Okay.

12 Q. (By Mr. McBurney) Let's jump to Government's Exhibit 121.

13 THE COURT: I'd like to go until about 12:30.

14 MR. MCBURNEY: Okay. I may be able to wrap up by  
15 then.

16 Q. (By Mr. McBurney) 121, we've gone back in time again.  
17 We're now talking about transferring some very different types  
18 of files. What's the date of Government's Exhibit 121?

19 A. April 17th, 2005.

20 Q. And it's a chat between two people, the defendant and?

21 A. Khan.

22 Q. Khan asks a question, actually typing in Arabic  
23 characters, what's his question?

24 A. He says: "Work?"

25 Q. The defendant says in response?

1     A.    He says:  "No, but I'll be leaving soon."

2     Q.    Page 2, at 23:55:04 on April 17th, 2005, the defendant  
3    sends a jpg, a picture file to Khan.  What's the name of that  
4    file?

5     A.    Al-Battaar.

6     Q.    At 23:56:04 Khan asks what?

7     A.    It says:  "New banner?  Jzerah?"

8     Q.    What's jzerah, if you know?

9     A.    I'm not certain.

10    Q.    Okay.  The response from the defendant?

11    A.    He says:  "No, Battaar, do you have them?"

12    Q.    On page 3, Khan, at 23:56:44, says?

13    A.    He says --

14    Q.    Actually, let's jump down to 23:57:29, he says?

15    A.    He says:  "I have Al-Battaar magazines, yes."

16    Q.    Top of page 4, the defendant wants them, he asks?

17    A.    He says:  "Can you zip them and upload them?"

18    Q.    Does Khan agree to do that?

19    A.    Yes, he does.

20    Q.    At the end of this chat, page 6, there are a series of You  
21    Send It links transmitted by Khan to Sadequee.  What does that  
22    indicate?

23    A.    It's where they've been talking about the Al-Battaar  
24    magazines and this is where Khan is actually sending them.

25    Q.    So that Sadequee can go to that website and pull them

1 down?

2 A. Correct.

3 Q. That chat was on the 17th. Let's move to Government 122,  
4 one day later. Again, just the defendant and Khan are  
5 chatting. What does the defendant say at the outset of this  
6 chat?

7 A. He says: "Friend, can you send me the links for 11 of the  
8 Battaar, only got 1 through 10."

9 Q. For "11 plus"?

10 A. Yes, "11 plus."

11 Q. "Of Battaar, only got 1 through 10," and Khan says?

12 A. He says, "Okay," and then he proceeds to send You Send It  
13 files.

14 Q. Government's Exhibit 123, was this file found on Aabid  
15 Hussein Khan's computer?

16 A. Yes, it was.

17 Q. This is all in Arabic. I don't expect -- do you know  
18 Arabic?

19 A. No, I do not.

20 Q. Do you know what this is? This is a cover of something.  
21 Do you know what this is?

22 A. Yes, I know this is the cover of an *Al-Battaar* magazine.

23 Q. You flipped through the file. Is the magazine entirely in  
24 Arabic?

25 A. Yes, I believe so.

1 Q. Let's look at a sample article in this. If we could jump  
2 to -- count the pages here. Go to page 8, here's page 8, what  
3 are those three things at the top?

4 A. Kalashnikov weapons, AK-47 and others.

5 Q. Just different forms of the Kalashnikov?

6 A. Yes.

7 Q. The next page, please.

8 A. It's detailed diagrams, operations, how the weapon  
9 functions.

10 Q. Okay, one more page.

11 A. Continuing with more of the same.

12 Q. How to put it together, take it apart, et cetera?

13 A. Correct.

14 Q. Was the cover of *Al-Battaar*, this issue of *Al-Battaar*  
15 translated by an Arabic linguist with the FBI?

16 A. Yes, it was.

17 Q. Let's look at Government's Exhibit 123-A. This is a  
18 translation of the Arabic terms that appear on the cover of  
19 Government 123, that edition of *Al-Battaar*?

20 A. Yes, it is.

21 Q. What are the topics that are highlighted on the cover of  
22 this issue?

23 A. There's four topics. The first one is Light Weapons, the  
24 next one is Physical Fitness for the Mujahideen, the next one  
25 is Message to the 26 and the last topic is Crusader War.

1 Q. The fourth topic down -- can we pop 123 back up, please,  
2 the first page?

3 THE COURT: Is this in evidence?

4 MR. MCBURNEY: Yes, sir.

5 Q. (By Mr. McBurney) So we've got Light Weapons and then  
6 Physical Fitness for the Mujahideen, Message to the 26 and then  
7 the burning U.S. flag, that's Crusader War?

8 A. That is crusader war.

9 Q. Were all of the *Al-Battaar* magazines, 1 through 10 and 11  
10 plus, found on Aabid Hussein Khan's computer?

11 A. Yes, they were.

12 Q. All right. I'd like to shift to our final area, the  
13 Tibyan Publications communications. Let's start with 125,  
14 please. This one looks a little different from what the jurors  
15 have seen before. There aren't banners. In fact, none of the  
16 graphics are present. Was this found through the reconstituted  
17 version of Tibyan or is this something that was found on Aabid  
18 Hussein Khan's digital media?

19 A. No. This was from where the Tibyan Publication site was  
20 re-created.

21 Q. Take a look at 128. Does that look different to you from  
22 125?

23 A. Yes.

24 Q. Okay. Having looked at the two, is that still your answer  
25 as to where 125 came from, if you recall?

1 A. My recollection is 125 was from the work that was done on  
2 the Tibyan site, and 128 is from the files that were on Khan's.

3 Q. Okay. Regardless of their origin, it's in evidence, and I  
4 want to talk about what is in Government's Exhibit 125, if we  
5 could go back to that. This is a private message from whom?

6 A. This is a private message from Defendant Sadequee.

7 Q. And he has pasted in it actually a message from someone  
8 else. Who is that from?

9 A. He's including a message, and as I'm able to review this,  
10 it's more apparent that, yes, this was from Khan's hard drive.

11 Q. And all the others we're going to look at are from the  
12 rebuilt website?

13 A. That's correct.

14 Q. Okay. Again, regardless of origin, we've got a private  
15 message from Sadequee in which he puts, includes a message from  
16 Abu Turab. Who is that?

17 A. That is Syed Haris Ahmed.

18 Q. What does Abu Turab say, and there's a paragraph that  
19 starts with, "After doing istikhara three times," what is his  
20 decision?

21 A. He says: "I came up with the decision that going to TO is  
22 not in the best of interests for the following reasons."

23 Q. Going to TO is a reference to what?

24 A. Toronto.

25 Q. He refers -- he, Turab, Syed Haris Ahmed -- refers to a

1 sheikh shami. Do you know who that person is in Turab's life?

2 A. It's his employer.

3 Q. It's the Sami Ayoub the jurors may have heard about?

4 A. Yes.

5 Q. So shaikh shami says what about whether the brothers  
6 should congregate?

7 A. Shaikh shami said that 700 some brothers were arrested  
8 because they were working in a factory in north Georgia. He  
9 said the intelligence and immigration service had an eye on  
10 them for some time but were looking for the right time to  
11 pounce on them. So he said that all brothers should not be  
12 congregated in one spot.

13 Q. Okay. And then at the bottom of that paragraph what is it  
14 that Turab is saying that shaikh shami said about Canadian  
15 immigration?

16 A. "And he said the Canadian immigration is very tough, so  
17 they will not hesitate to arrest you two because of visa  
18 violation even if intelligent services do not find a reason to  
19 arrest you."

20 Q. This is Sami Ayoub talking to Syed Haris Ahmed and he  
21 makes a reference to you two. What two people were planning to  
22 go up to the basement apartment in Canada?

23 A. Originally from Atlanta were Defendant Sadequee and Syed  
24 Haris Ahmed.

25 Q. All right, let's look at the second and final page of this

1 private message. In the final paragraph, Turab, Syed Haris  
2 Ahmed, says he will be waiting for you in Pk. Read that  
3 sentence.

4 A. "I'll be waiting for you in Pk for some time. If you guys  
5 come through soon enough we can go to the camps together,  
6 insha'Allah."

7 Q. Pk is a reference to?

8 A. Pakistan.

9 Q. And camps?

10 A. Training camps, terrorist training camps.

11 Q. All right. Now let's shift to the little group of private  
12 messages from the website we're going to talk about. 128, we  
13 are logged in as what individual on Tibyan Publications  
14 website?

15 A. We're logged in under the user name for Defendant  
16 Sadequee.

17 Q. And we're in his inbox somewhere. He has a private  
18 message from what member of Tibyan Publications?

19 A. Hamzah.

20 Q. And what was the date that this message was sent to  
21 Defendant Sadequee?

22 A. April 8th, 2005.

23 Q. What is it that Hamzah wants to hear about from Defendant  
24 Sadequee? "I need to learn more about" what?

25 A. "I need to learn more about trading Allah's divine mercy

1 for our blood. Please guide this brother."

2 Q. Now, on the same day, let's look at Government's Exhibit  
3 130, we're still in the defendant's inbox, he gets a private  
4 message from whom?

5 A. He gets a message from someone named Saajid.

6 Q. S-a-a-j-i-d?

7 A. Correct.

8 Q. Same date, April 8th, 2005?

9 A. Correct.

10 Q. And his inquiry is about Islamic schools where?

11 A. In Syria.

12 Q. Let's go to 129. Still in the same inbox, we have a  
13 message, I guess this would be the Sent box within his private  
14 messages, a message sent by whom?

15 A. It's sent by Defendant Sadequee.

16 Q. On the date of?

17 A. May 24th, 2005.

18 Q. And it is in response to Hamzah. How is Hamzah described?

19 A. It says: "Your brother from South Africa."

20 Q. We have that original message: "I need to learn more  
21 about trading Allah's divine mercy for our blood."

22 What is the defendant's response? He says "Akhee"  
23 down at the bottom.

24 A. "We have released two books about martyrdom, and if Allah  
25 permits, we will release more."

1 Q. And then he names the two books, the Tibyan Publications.  
2 What are the two books?

3 A. *The Islamic Ruling on the Permissibility of*  
4 *Self-Sacrificial Operations and The Ruling Regarding Killing*  
5 *One's Self to Protect Information.*

6 Q. Let's look at 132. We just looked at a private message  
7 from the defendant to Hamzah on May 24th. This is a response  
8 from Hamzah on what day?

9 A. May 25th, 2005.

10 Q. What does he say? Just read the first two lines.

11 A. It says: "Now can I please have some advice as to how to  
12 participate in the front lines of Jihad. I thank you in  
13 advance for your kind assistance."

14 Q. 136, we're in the same time frame, May 24th, 2005, again.  
15 It's a private message from Saajid back to Defendant Sadequee,  
16 who has apparently replied to him. I want to talk a little bit  
17 about how Saajid describes himself. What does he say about  
18 himself, the first sentence of the first paragraph?

19 A. He says he's a 17-year-old graduate high school in  
20 America.

21 Q. About to graduate high school where?

22 A. In America.

23 Q. He talks about going to the United Kingdom and then he  
24 says: "If something goes bad with the housing in the United  
25 Kingdom," what does he say?

1     A.    "It's back to America living underneath my kaafir family,  
2     which I can't have."

3     Q.    At the bottom, the last sentence of that paragraph, the  
4     trip to the United Kingdom is what?

5     A.    It says:  "Also, Britain is my biggest chance for this,  
6     and from there I expected to at least get away from the fitnah  
7     here in America.  A mini hijrah before my major one, which I  
8     don't have the money for."

9     Q.    The first sentence of the final paragraph on that page?

10    A.    It says:  "As far as places, brother, we have obligations  
11    and certainly you do not have to tell me what the biggest  
12    obligations are.  If I could get my knowledge there it would be  
13    preferable."

14    Q.    And then if we can go to the second page.

15    A.    He says --

16    Q.    What does he say, Saajid, about sitting down for ten  
17    years?

18    A.    He says:  "I did not intend to sit down for ten years to  
19    work toward a degree, not when I want to perform these  
20    obligations right now, as soon as possible."  He continues --

21    Q.    That's fine.  Let's look at Government's Exhibit 142.  
22    This is a chat found on Aabid Hussein Khan's digital media,  
23    it's in evidence.  It's between two people, Khubayb@qubix.  
24    Khubayb is whose moniker?

25    A.    Defendant Sadequee.

1 Q. And then there's a Zoro. Do you have any information as  
2 to who Zoro is, other than the fact that this chat was found on  
3 Aabid Hussein Khan's computer?

4 A. It's believed to be Khan.

5 Q. But you don't have any way to link the two beyond its  
6 presence?

7 A. Correct.

8 Q. Okay. What does Defendant Sadequee say at -- and there's  
9 no date associated with this chat, is there?

10 A. No.

11 Q. What does Defendant Sadequee say to Zoro at 18:27:10?

12 A. He says: "Two bros PM'd me these last several days..."

13 Q. Continue with what he's saying.

14 A. "...asking how to get to the lands, et cetera. They seem  
15 sincere. They explained their situation to me, et cetera. I  
16 have the PMs, et cetera. One of them is a 17-year-old convert  
17 white American."

18 Q. Zoro asks?

19 A. "What did they say? Can you paste?"

20 Q. Then Sadequee continues.

21 A. "Another is in South Africa but I don't know what race he  
22 is or if he converted."

23 Q. Let's pause for a moment. Saajid, is he a 17-year-old  
24 white convert American?

25 A. Yes.

- 1 Q. And then Hamzah is from where?
- 2 A. South Africa.
- 3 Q. Okay. So Zoro asks: "Can you paste?" And he goes on to
- 4 say he's from South Africa. "Yeah, okay." Go on, continue
- 5 with Sadequee.
- 6 A. He says: "Yeah, okay, you want me to forward it to you?"
- 7 Q. Then Zoro cautions him?
- 8 A. "It's safer to paste it here, then I can save it. E-mail
- 9 can be stored by kuffs."
- 10 Q. That's the kufr?
- 11 A. Kufr.
- 12 Q. Page 2, top of the page, what does the defendant say?
- 13 A. Defendant says: "Let me post here since I am at work. I
- 14 don't have that."
- 15 Q. He doesn't have that what? Keep going.
- 16 A. "I don't have that encryption thing."
- 17 Q. Okay. Now, at 18:32:50, the defendant pastes some text
- 18 into this chat with Zoro. Do you recognize what's pasted in
- 19 there? "I was wondering, brother, if you could recommend me
- 20 places to study," et cetera.
- 21 A. Yes. This is the text from the chat or the e-mail that we
- 22 just read from the Tibyan Publications from --
- 23 Q. It's -- I'm sorry, yes?
- 24 A. From Saajid to the defendant.
- 25 Q. So the defendant is pasting text from some of his

1 correspondence from Tibyan --

2 A. Right.

3 Q. -- with Saajid into this chat?

4 All right, page 3, at 18:36:32, the defendant says?

5 A. He says: "Okay, that was the first letter from one bro.  
6 I responded to him generally, et cetera, and told him since he  
7 is a convert he should always remember to come back to do  
8 something to his native land...and then he replied with this as  
9 salaamu 'alaykum. This was after I asked for some personal  
10 info on his situation."

11 Q. Okay, and the first sentence of the next large paragraph?

12 A. He says: "I am 17 about to graduate high school in  
13 America."

14 Q. So this is, again, text being pasted in from there?

15 A. From the correspondence that we saw on Tibyan between the  
16 defendant and Saajid.

17 Q. Let's jump to page 4. At 18:45:55, what's the defendant's  
18 suggestion in the last question?

19 A. He says: "I am thinking, do you think we should tell him  
20 to come to curry land?"

21 Q. "Curry land" being?

22 A. Pakistan.

23 Q. And what does Zoro ask?

24 A. "This is Saajid on the forums?"

25 Q. Top of page 5, Zoro, now talking about the idea of Saajid

1 going to curry land, says what?

2 A. "But about him going to curry land with or before us, I  
3 think we should stray away from it because he is a revert and  
4 American citizen, so after we finish our training and maybe  
5 some ribat we can either have him taught there somewhere..."

6 Q. Keep going with Zoro.

7 A. "...or send him to training camp. Can you ask him to stay  
8 there for awhile and stay low? Don't bring attention to  
9 yourself. Give him something to study over, issues about  
10 martyrdom operations, killing women, children, ask him to read  
11 these over until they're clear in his mind."

12 Q. Then the defendant responds?

13 A. Yes -- or: "Hmm, yeah."

14 Q. Zoro continues?

15 A. "If the brother is sincere he will follow advice. If he  
16 is not then we may risk trouble for ourselves by taking him on  
17 our first round."

18 Q. At 18:51:18 the defendant says?

19 A. "I was thinking, brother, that we just tell him to go to  
20 the camps but then he is on his own, something like that, so we  
21 don't have to risk anything."

22 Q. Zoro says?

23 A. "I was thinking" -- Zoro says: "I was thinking of putting  
24 him on board."

25 Q. Sadequee?

1     A.     "We could tell him where to go in Pak."

2     Q.     What are the next two things Zoro says?

3     A.     Zoro says:  "He is an asset to us because he is a revert."

4     Q.     Page 6, at 18:56:46, Zoro offers what advice to the  
5     defendant as to what he should say to Saajid, the asset?

6     A.     He says:  "Tell him to stay for a while and not to tell  
7     anyone anything and advise him to study the material well."

8     Q.     All right, we get down to the bottom half of page 6 and  
9     there's a long series of text entered by the defendant.  Is  
10    this his proposed response?

11    A.     Yes.

12    Q.     Read the first couple sentences that start with "Sorry."

13    A.     It says:  "Sorry for not responding earlier.  I was  
14    discussing about you with some brothers who are abroad and that  
15    you are an American convert, et cetera.  They were very  
16    delighted."

17    Q.     Great.  Bottom of page 7, the last bit of advice, at  
18    19:21:31, that Zoro offers?

19    A.     He says:  "Make sure he trims his beard in stages, say to  
20    shorten it a bit, then a little more."

21    Q.     Let's look at Government's Exhibit 156.  This is a private  
22    message sent by -- well, first let's take a step back.  Who are  
23    we logged in as now?  We're on 156.

24    A.     We're logged in as Saajid.

25    Q.     All right, we're in Saajid's inbox.  Saajid, on May 27th,

1 2005, so a couple days after their last exchange, received a  
2 private message from?

3 A. Defendant Sadequee.

4 Q. Read for the jurors the paragraph that starts with  
5 "Sorry."

6 A. He begins: "Sorry for not responding earlier. I was  
7 discussing about you with some brothers who are abroad and that  
8 you are an American convert, et cetera. They were very  
9 delighted."

10 Q. Is this the same language that we just saw in Government's  
11 Exhibit 142 when the defendant was discussing with Zoro how  
12 best to recruit this individual?

13 A. Yes, it is.

14 Q. Let's go on a little bit with this one. What is the  
15 advice provided in the paragraph that starts with "Now"?

16 A. He says: "Now what they, and I also, advise is that you  
17 currently stay there and that they will tell you what you  
18 should do as your next steps to help fulfill your obligations."

19 Q. That's good. If we can go to the next page, please. In  
20 the top partial paragraph there's a reference to some books and  
21 a series called *Delighting the Eyes Series*. Is that same  
22 series referenced in the chat in 142 between the defendant and  
23 Zoro?

24 A. I can't recall, if I could take a moment.

25 Q. Sure. Well, it actually may have been books from it on

1 page 7, so I'll withdraw that question.

2 But what does the defendant say the books -- well,  
3 *Men Around the Messenger*, that book there by Khaalid Muhammad  
4 Khaalid, is that one of the books that Zoro and the defendant  
5 discussed on page 7 of Government's 142?

6 A. Yes.

7 Q. And the defendant says, in his private message to Saajid,  
8 that these books will show him and instill in him what? It's  
9 the bottom of the paragraph that starts with "Also."

10 A. "These books will show you and instill in you a love for  
11 the struggle and being sacrificed in it for Allah."

12 Q. What's the most important thing, according to the  
13 defendant, that the brothers he was consulting with said to  
14 him?

15 A. "Most importantly, they said for you to keep things to  
16 yourself, and do not make it apparent that you are upon this  
17 Manhaj. That does not mean that you have to act like a pure  
18 modernist, et cetera. Just keep a nicely trimmed beard for  
19 now. If you have a long beard, then trim it in stages, a bit  
20 one week, a bit the next week, et cetera, and do not talk about  
21 controversial issues."

22 Q. The first sentence in the paragraph that starts with "All  
23 this advice"?

24 A. "All this advice like cutting the beard, et cetera,  
25 staying amongst these kuffaars, et cetera, is only for brothers

1     like you who are willing to walk the walk instead of just  
2     talking the talk."

3     Q.    Agent Allen, finally, if we could look at Government's  
4     Exhibit 157.  We're still logged in as what user?

5     A.    We're logged in as Saajid.

6     Q.    He received a private message from the defendant?

7     A.    Correct.

8     Q.    The defendant's reaction upon hearing that Saajid is 17 is  
9     what?  It's the line that begins with "Maashaa'Allah."

10    A.    "Maashaa'Allah, you are young."

11    Q.    Let's go to the second page.  Read the two paragraphs that  
12    start with -- this is again a private message from the  
13    defendant to Saajid -- "If you wish to fulfill your  
14    obligations."

15    A.    "If you wish to fulfill your obligations I always advise  
16    the brothers to do what you are capable of doing to the  
17    maximum.  If someone is a chemical scientist is it wise for him  
18    to go to a self-sacrificial operation?  No, because the  
19    struggle is in need of such men to create and make various  
20    things.  Read the chapter from *Fundamental Concepts Regarding*  
21    *Jihad*, the chapter of Martyrdom."

22    Q.    Read the next two sentences that start the next paragraph.

23    A.    "So since you are a convert, and you are young, and  
24    hopefully, you haven't exposed your beliefs to those who would  
25    want harm for you, you have the capacity of fulfilling your

1 largest obligations in your native land."

2 Q. What is Saaqid's native land?

3 A. America.

4 Q. Go on with the sentence that starts with, "But I know."

5 A. "But I know that the brothers are looking for people like  
6 you, Muslims, but at the same time, they can disappear into a  
7 kaafir assembly, if you get what I mean."

8 Q. Keep going.

9 A. "So, insha'Allah, once you get to school where you can be  
10 trained how to fulfill your obligations and how to shoot  
11 arrows, make traps, et cetera, and when you are there, you will  
12 find more people and be able to discuss this with those in  
13 authority and have experience."

14 MR. MCBURNEY: Thank you, Agent.

15 THE COURT: Let's take our lunch break. We will  
16 break until 1:30. Again, don't discuss this case amongst  
17 yourselves or with anybody else, and have a good lunch. We'll  
18 see you back at 1:30.

19 (Jury retired from the courtroom at 12:35 p.m.)

20 THE COURT: Is there anything we need to discuss  
21 before we break for lunch?

22 MR. MCBURNEY: No.

23 THE COURT: Mr. Sadequee, anything you need to  
24 discuss before we have lunch?

25 MR. SADEQUEE: No.

1 THE COURT: We will be in recess for about an hour.

2 (Luncheon recess, following proceedings at 1:43 p.m.  
3 outside the presence of the jury.)

4 THE COURT: Anything we need to take up before we  
5 bring the jurors in?

6 MR. MARTIN: Your Honor, may I address the Court?

7 THE COURT: You may.

8 MR. MARTIN: Two things. I know the record, I think,  
9 is abundantly clear in this regard, but Mr. Ahmed will be the  
10 next witness.

11 He is agreeing to testify. However, but for the  
12 Court's order, he would be claiming the Fifth Amendment. I  
13 just want to make that clear on the record.

14 Secondly, during his testimony would I be permitted  
15 to sit in the bench there behind counsel table in case  
16 something would come up that I might need to assert a privilege  
17 or something that might come up?

18 THE COURT: Of course.

19 MR. MARTIN: Thank you.

20 THE COURT: One other thing, Mr. McBurney, since --  
21 not you, Mr. Martin.

22 MR. MARTIN: I'm sorry.

23 THE COURT: Mr. McBurney.

24 MR. MCBURNEY: I had indicated I was done with the  
25 witness. Ms. Birnbaum pointed out that I had some sub exhibits

1 and I just need to admit those, so when we get started I will  
2 have two questions about those exhibits to get them in and then  
3 it will be Mr. Sadequee's witness.

4 THE COURT: All right. To the defense lawyers, I  
5 want to thank you. It's clear that you have been helping  
6 Mr. Sadequee. I think that has helped him in the processing of  
7 the case and I want to encourage you to do that.

8 The only thing is every now and then while you are  
9 having a consultation while there's testimony it does distract  
10 me a bit. But continue to help, but when you have to have  
11 consultations during the presentation try to do it as quietly  
12 as you can.

13 MR. SAMUEL: The microphone is the problem?

14 THE COURT: I think sometimes you forget to mute it.

15 MR. SAMUEL: Always.

16 THE COURT: Since you're not using it very much you  
17 could probably just turn it around or turn it off. But, again,  
18 thank you for that assistance.

19 Are we ready to bring the jurors back in?

20 MR. MCBURNEY: Yes.

21 THE COURT: Will you do that, please?

22 (Jury returned to the courtroom at 1:47 p.m.)

23 THE COURT: Ladies and gentlemen, I hope you had a  
24 good lunch. The agent is still on the stand.

25 I understand there are a couple of follow-up

1 questions, Mr. McBurney, you need to ask.

2 MR. MCBURNEY: Thank you, Judge.

3 Q. (By Mr. McBurney) Agent Allen, when we admitted the  
4 series of exhibits, 105 through whatever the number was, I  
5 neglected to point out there were three sub exhibits. 116-A,  
6 do you have that in front of you?

7 A. I do.

8 Q. Is that the map of -- the bottom half, at least, is the  
9 map of Washington, D.C., that Aabid Hussein Khan sent to the  
10 defendant?

11 A. Yes, it is.

12 Q. The file 11ufe.jpg?

13 A. That is correct.

14 Q. Is that an accurate depiction of what came off of Aabid  
15 Hussein Khan's computer?

16 A. Yes, it is.

17 Q. And then 123-A and B, are those the English language  
18 translations of the cover and the table of contents of that  
19 issue of the *Al-Battaar* magazine that you discussed with the  
20 jurors?

21 A. Yes, they are.

22 MR. MCBURNEY: Government tenders, and intended to  
23 tender before, 116-A, then 123-A and B.

24 THE COURT: Any objection to those, Mr. Sadequee?

25 MR. SADEQUEE: No.

1 THE COURT: Then they are admitted.

2 All right, Mr. Sadequee.

3 CROSS-EXAMINATION

4 BY MR. SADEQUEE:

5 Q. Good afternoon.

6 A. Good afternoon.

7 THE COURT: Mr. Sadequee, just make sure the  
8 microphone is pointed directly at you.

9 Q. (By Mr. Sadequee) I'd like to begin with Exhibit 125.  
10 Could you read from the beginning of Abu Turaab's e-mail? Oh,  
11 PM, sorry.

12 A. The first line reads: "May this letter reach you in best  
13 of health and Iman."

14 Q. And continue.

15 A. "The news might have reached you already, but let me say  
16 it and try to explain the reasons behind my decision."

17 Q. Okay. If we go to the last paragraph of this PM, can you  
18 read from, "So after doing istikhara, after seeking guidance"?

19 A. Okay. "After doing istikhara three times and doing shura  
20 with sheikh shami, I came up with the decision that going to TO  
21 is not in the best interest for the following reasons."

22 Q. I'm speaking about the last paragraph, the last paragraph  
23 of this PM.

24 A. Okay, starting from the beginning of the last paragraph?

25 Q. Yes, yes, "So after doing..."

1     A.    Okay.  "Sheikh shami told me a story that after 711 some  
2     brothers were arrested because" --

3     Q.    The last paragraph.

4                 THE COURT:  I think he wants the very last paragraph  
5     on --

6                 THE WITNESS:  I'm sorry, on the next page.

7                 "So after doing istikhara and this shura with someone  
8     who has experience of age and religious knowledge, I came up  
9     with this decision.  I will be waiting for you in Pk for some  
10    time, if you guys come through soon enough we can go to the  
11    camps together, insha'Allah.  Otherwise what Allah plans for us  
12    in our best of interests."

13    Q.    Thank you.  Having read this and analyzed related  
14    conversations, do you get a sense that there was some  
15    disagreements as to -- because he says here, "I came up with  
16    this decision.  If you guys come," the word "if," what is your  
17    interpretation of the word "if" as used in this sentence?

18    A.    "If" will allow the possibility of either someone was  
19    coming or not coming.

20    Q.    Meaning --

21    A.    It could also mean if you come soon enough, depending on  
22    the timing of when someone was coming.

23    Q.    The word "istikhara" means?

24    A.    I'm not fluent in Arabic.

25    Q.    "Shura," the other one, the second word?

1     A.    I couldn't tell you.

2     Q.    Okay.  The last sentence of -- right before this  
3     paragraph, it begins --

4     A.    The last sentence reads:  "The mini ghaminas are a good  
5     idea but a little farfetched, as none of us has any training in  
6     this area."

7     Q.    What's mini ghaminas?

8     A.    This -- if this reference is referring to the other plans  
9     for getting loot, such as robbing people at ATMs or selling  
10    grass.

11    Q.    He refers to this as "are a good idea" and not as -- as  
12    opposed to a good plan.

13                 THE COURT:  Just so the record is clear, by your  
14    gesture did you mean that you were not going to ask that  
15    question?

16                 MR. SADEQUEE:  Yeah.

17    Q.    (By Mr. Sadequee)  If we may go to Exhibit 157.  Could you  
18    read from the beginning, the PM?

19    A.    The first paragraph in this PM?

20    Q.    Yes.

21    A.    Okay.  "Maashaa'Allah, you are young.  Sounds like you got  
22    somewhat of a plan, Al-HamduLillaah.  Once you get to the UK,  
23    you can contact lots of brothers.  But firstly, I suggest you  
24    spend as much time as you can learning your Arabee, reading,  
25    and understanding and speaking.  I would suggest you do it as

1 much as you can, so that once you get to the UK, you can focus  
2 on the important things, like studying with Shaykh Aboo  
3 Qataadah or Shaykh Aboo Baseer."

4 Q. Do you know who these individuals are?

5 A. No, I do not.

6 Q. Can you read from the second paragraph that begins,  
7 "Shaykh Aboo Qataadah is a brilliant Shaykh"?

8 A. Okay. "Shaykh Aboo Qataadah is a brilliant Shaykh, he is  
9 a library of knowledge, benefit from him as much as you can,  
10 but if the language is a barrier, then some of his students are  
11 fluent in English, so keep contact with them. Remember,  
12 insha'Allah, you are there temporarily. Do not say things to  
13 people who do not need to know. Do not waste time discussing  
14 fantasies with other youth, that you want to do this and that,  
15 and et cetera. Speak less and when you speak, make sure you  
16 have thought out what you are saying. Speaking less will help  
17 you get less attention from those whose attraction you don't  
18 need. At the same time, when the brothers see you are a person  
19 who only speaks wisely, and only good, they will recognize this  
20 in you, insha'Allah. Mix in with the right crowd, which you  
21 will find amongst the students of Shaykh Aboo Qataadah."

22 Q. Can you continue with the next sentence?

23 A. "Also, being with an Arabee-speaking environment, will  
24 make you improve your Arabic 900 percent faster. So make your  
25 decisions wisely akhee. Again, don't mix with the

1 English-speaking hyper youth."

2 Q. Could you explain what you understand from

3 "English-speaking 'hyper' youth"?

4 A. I couldn't give you an explanation for that.

5 Q. Is there any -- how do you understand that as? What was  
6 that referring to?

7 A. I'm not sure, other than the English speakers.

8 Q. But it more specifies that it's English-speaking hyper,  
9 which is in quotations, youth.

10 A. Correct.

11 Q. What category of people am I warning him to not mix with?

12 A. The parts I understand, the English-speaking youth. The  
13 hyper, I don't know what that's a reference to.

14 Q. Well, just in the previous paragraph there's another  
15 reference to some youth who I had advised them to not mix with,  
16 if you can read that sentence.

17 A. "Do not waste time discussing fantasies with other youth  
18 that you want to do this and that and et cetera."

19 Q. In the Exhibit 156, have you read these two books that  
20 were mentioned. One of them being *Men Around the Messenger*,  
21 the other being a series of Tibyan releases under the title  
22 *Delighting the Eyes*?

23 A. No, I have not.

24 Q. There's, in both these -- both these PMs, there's advice  
25 to him that he should focus on important things. What are

1 those important things that he's advised to focus on? If you  
2 want to read, you can, or if you could just -- and both  
3 these -- from the third paragraph down on Exhibit 156, "For  
4 now"?

5 A. Okay. "For now the brothers told me to relay to you to  
6 study, focus on your Arabic, get firmer understanding of the  
7 'Aqeedah, Wallaa' and Baraa', recitation of the Quran and  
8 memorizing it. Also, read the two books that we released in  
9 the *Delighting the Eyes* series, as these are specifically being  
10 released for a special group of readers. Make the love of  
11 Shahaadah your main thoughts which go through your heart all  
12 day."

13 Q. Now, do you know what 'Aqeedah, the word 'Aqeedah means?

14 A. I believe it means faith.

15 Q. Walaa' and Baraa'?

16 A. I do not know.

17 Q. The word Shahaadah?

18 A. Shahaadah is familiar, and I would have to check some of  
19 the material, but I believe it's a reference to martyrdom.

20 Q. Does it have any other meanings?

21 A. I wouldn't be able to tell you.

22 Q. Are you aware of this individual Saajid? Is he any --  
23 involved or has he been -- is he a co-conspirator in this case?

24 A. As far as this particular individual, the 17-year-old  
25 American described here?

1 Q. Yes.

2 A. I couldn't tell you if there are currently any charges  
3 pending on that person.

4 Q. Towards the end of 2005, you are -- are you aware there  
5 was an earthquake in Pakistan, during which -- and there's  
6 conversations -- not here but I think tomorrow it's going to be  
7 brought in -- where I'm actually mentioning this to other  
8 people and we're talking that there was a period of time, are  
9 you aware, that the Pakistan government opened up, I think it  
10 was a month period of time, there was no visa required?

11 A. I'm not aware of that.

12 Q. Did I ever apply for a visa?

13 A. I'm not aware of one that you did.

14 Q. Could you go to the chats with --

15 THE COURT: While you're looking, somebody in the  
16 courtroom has an electronic device that's on; it might be on  
17 silent. The PA system is picking up the receipt of messages to  
18 that device, so if you have one, you need to turn it completely  
19 off, if you would do that, please.

20 Q. (By Mr. Sadequee) Exhibit 115.

21 A. 150?

22 Q. 115. Time span is 4:46:27, page number 3.

23 A. I believe some of the exhibits may have been moved when we  
24 were adding the maps and other sub exhibits.

25 MR. MCBURNEY: It starts with Exhibit 105,

1 Ms. Birnbaum.

2 THE WITNESS: Okay, I have Exhibit 115.

3 Q. (By Mr. Sadequee) On page 3, could you read from a little  
4 beneath the middle of the page? The time span is 4:46:27.

5 A. 4:26 or 46?

6 Q. 4:46.

7 A. 4:46:27, it says: "Yeah, but since that plan is out, what  
8 do we stick to?"

9 Q. Who is saying that?

10 A. That's going to be Syed Ahmed.

11 Q. To?

12 A. Khan.

13 Q. Is there -- do you find throughout these chats a multiple  
14 ideas -- a multiplicity of ideas being discussed and nothing --  
15 or have you counted, as you've analyzed these, how many  
16 different ideas and plans are discussed?

17 A. I couldn't put a number on it for you to tell you how many  
18 different options may have been presented.

19 Q. And if we could go to Exhibit 113.

20 A. 113?

21 Q. Yes, page 5. This is the part where the ATM machine  
22 looting idea is mentioned. Then right beneath it there's,  
23 17:54:37, right in the middle of the page, there is a -- Aabid  
24 Khan tells me, "Got you," and then there's a symbol. Do you  
25 know what that symbol is?

1     A.    The smiley face after "Got you"?

2     Q.    Yes.  And then could you read on from there?

3     A.    And then you ask Khan:  "How practical is it, too  
4     complicated?"

5     Q.    Could you continue?

6     A.    And Khan responds:  "It's practical, if only their where  
7     men."

8     Q.    And what's that symbol?

9     A.    It appears to be some type of smiley face also.

10    Q.    Is it a smiley face with a tongue sticking out?

11    A.    That's what it would appear to be.

12    Q.    What would that signify?

13    A.    I couldn't tell you exactly what that means.

14    Q.    The government mentioned at one point that some of these  
15    chats are quite lengthy in terms of the duration spans over an  
16    hour or more sometimes.  Now, is this because a person sits in  
17    front of a computer and that is all he's doing?  Or how do  
18    chats, the dynamics of chatting on MSN Messenger, Microsoft  
19    Messenger, how is it usually done?  These are all Microsoft  
20    Messenger, correct?

21    A.    I can't tell you that they're all Microsoft Messenger.

22    Q.    Vast majority?

23    A.    Okay.  There's a reference to MSN.  I don't chat myself,  
24    so I couldn't tell you exactly what a person does.

25    Q.    But on a computer on the Internet, people do multiple

1 things simultaneously, correct?

2 A. I would assume so.

3 Q. And is it also correct that usually when someone chats  
4 that's not the only thing he's doing; he's simultaneously  
5 browsing websites or doing other things? Because you have  
6 multiple windows, sometimes there's actually chats here that --

7 A. Yes. Sometimes I've seen where articles have been shared  
8 or the videos from Washington, D.C., were sent or an article,  
9 you know, giving directions to a Masonic temple. I mean, I've  
10 seen where those go back and forth during the chat.

11 Q. So that would mean that someone is browsing websites?  
12 What I'm saying is, is it -- what is the significance of the  
13 fact that some conversations, chats, these online MSN Messenger  
14 chats, what significance is there that some of them expand over  
15 one hour?

16 A. I missed the end of that, some of them what?

17 Q. Some of these conversations expand over, or the duration  
18 expands over one hour, is that significant at all?

19 A. I would say it just signifies the length of the  
20 conversation going back and forth.

21 Q. Do you know if -- that this there is a conversation where  
22 I present a text which I intended -- which I presented, a  
23 number of these chats, about -- I typed up a letter to send as  
24 an e-mail to the Pakistani embassy. Do you know if that e-mail  
25 was ever sent?

1     A.    I couldn't tell you that.  I mean, I can just tell you  
2     what I saw here.

3     Q.    So in the chat with these online participants, I mentioned  
4     to them that I would send the e-mail and I typed up an example,  
5     but was there any investigation into whether or not that e-mail  
6     was ever sent to that Pakistani embassy in Bangladesh?

7     A.    I can't tell you that -- that wasn't part of the  
8     investigation in the material that I shared today.

9     Q.    If we can go to Exhibit 105.  Can we go to the time span  
10    6:58:35?

11    A.    6:58:35 --

12    Q.    Yes.

13    A.    -- on page 14 on my copy?

14    Q.    I have a different copy.

15    A.    Okay, it's page 14 on my copy.

16    Q.    If you can begin -- could we begin from a couple of lines  
17    before that?

18    A.    Sure.

19    Q.    6:57:54.

20    A.    6:57:54 on the same page?

21    Q.    Yes.

22    A.    Then this would be the line that's typed by Deenin?

23    Q.    Yes.

24    A.    Okay.  Deenin says:  "What?  Man, all that for nothing?"

25           And Azdee responds:  "I don't know man."

1                   At which point you say: "Why do you want to cancel  
2     it?"

3                   And Azdee says: "What's the point if you're giving  
4     us iffy answers? Pay 1300 and nobody comes, who has that kind  
5     of money? It doesn't come out of trees."

6     Q.     What's your interpretation or understanding of "What's the  
7     point if you are giving us iffy answers?"

8     A.     In a variety of these, when there were plans for you to go  
9     to Toronto and have an apartment with Azdee, James, others,  
10    there was discussion about when it would occur, and here it's  
11    obviously a reference of still iffy as far as the date.

12    Q.     Iffy as far as the date? Where do you get that this is  
13    referring to a date?

14    A.     It says: "What's the point if you're giving us iffy  
15    answers?"

16    Q.     But how is that related or specified to a date and nothing  
17    else?

18    A.     When I refer to the date, I'm generally referring to a  
19    collection of the chats, when the date was the uncertain part.

20    Q.     But the line before it says: "Why do you want" -- I said:  
21    "Why do you want to cancel it?"

22                   And then the next line is: "What's the point if  
23    you're giving us iffy answers?"

24    A.     Okay, I would need to take a moment and review several of  
25    the lines that precede this to understand exactly if "it" is

1 referring to the lease on a particular apartment that was  
2 identified. That may be what you're referring to, "Why do you  
3 want to cancel it." At this point things were very close to  
4 finding an apartment, one had been identified, the cost, 400  
5 U.S., had been identified.

6 Q. So cancel it, the "it" would be the idea of going to  
7 Canada or returning to Canada?

8 A. I would need a moment to look over this but I believe the  
9 "it" in this context refers to Azdee's frustration that they've  
10 identified an apartment and they're going to cancel it if  
11 there's going to be a delay on your travel to Canada.

12 Q. Can we go to time span 7:13:15?

13 A. On page 26 on my copy? You're referring to the line  
14 Deenin writes at 7:13:15?

15 Q. Yes.

16 A. Okay. Deenin at this point says: "Abu Umer, we need  
17 dates, regardless, realistic dates and otherwise we can't plan  
18 anything and we'll be here in two years still."

19 Q. So "we'll be here in two years still," what -- could you  
20 explain this sentence?

21 A. Well, this is Deenin commenting that things needed to be  
22 organized, a plan needed to be in place, they don't want to  
23 wait two years.

24 Q. So "we can't plan anything," so does this mean that  
25 there's no plan?

1 A. No, it doesn't mean no plan. It means, "we need dates,  
2 regardless, realistic dates, otherwise we can't plan anything  
3 and we'll be here in two years," he's just frustrated by not  
4 having a plan.

5 Q. Could you read from 7:31:20 where Azdee says --

6 A. 7:31:20?

7 Q. Yes.

8 A. It's page 41. 7:31:20, this is going to be the line typed  
9 by Azdee?

10 Q. Yes.

11 A. It says: "Me and this guy went out till 12 yesterday  
12 looking for places with flu and colds and things."

13 Q. If you could, there's a line by Deenin.

14 A. After he says, "till 12 yesterday," Deenin responds: "Now  
15 it's maybe, what's this?"

16 Q. Yes, continue.

17 A. And Azdee continues: "Looking for places with flu and  
18 colds and things. Now we're getting BS."

19 You respond with: "Look, I will come, God willing, my  
20 only concern is that if the ghaneemah loot is going to be  
21 delayed, then is it really necessary for me to come this early,  
22 if you bros think so, God willing, I will come, it's not like I  
23 have other things to do, et cetera."

24 Q. What's meant when I say, "It's not like I have other  
25 things to do"?

1 A. I don't know, unless you're saying you didn't have  
2 anything more important to keep you from coming.

3 Q. Usually people say something -- say exactly this, "it's  
4 not like I have something else to do," what does that -- how is  
5 that phrase usually used, whenever someone says?

6 A. It's not like I have other things to do.

7 Q. Quite literally means that someone has too much time?

8 A. Too much time?

9 Q. On their hands.

10 A. Obviously -- to me, it means you didn't have anything that  
11 could prevent you from doing this more important.

12 Q. Where is the word "more important" or where are you  
13 getting --

14 A. It just simply says, "It's not like I have other things to  
15 do." So, I mean, it means to me what it says.

16 Q. Can you go to Exhibit 114?

17 A. Exhibit 114?

18 Q. Yes, Exhibit 114. From page 7, time 3:56:07.

19 A. 3:56:07, and this is you writing, it says: "Hey, Abu Umar  
20 what happened?"

21 At this point Syed Ahmed interrupted, says: "I think  
22 he got mad."

23 Abu Umar or Khan comes back saying: "Don't invite me  
24 again, brother, it's pathetic."

25 And you say: "Man, look."

1                   Khan says: "Do your own thing. My left thumb, it's  
2 a joke."

3                   And you jump in saying: "Look, Turaab, take over.  
4 Brother Aboo Umar, drink a cup of cool ice water, LOL.  
5 Brother, look, this is Satan working, God is great, God is  
6 higher and this is a test, this is proof that what we are doing  
7 is really..."

8                   Khan interrupts, says: "Brother, they call the  
9 planning a joke. How many years have they been waiting and we  
10 come all the way to Canada."

11                  You continue with: "Hurting Satan, may Allah grant  
12 us refuge."

13   Q.   Continue.

14   A.   And Khan continues, saying: "And they call it a joke,  
15 amen."

16   Q.   Can you explain what's going on in this excerpt?

17   A.   What I see here is much like the other text, where people  
18 are getting frustrated, they're anxious to get on with the  
19 plan.

20   Q.   Who's saying that the planning is a joke?

21   A.   Khan makes the statement: "Brother, they call the  
22 planning a joke. How many years have they been waiting and we  
23 come all the way to Canada and they call it a joke."

24   Q.   So who is "they"?

25   A.   Again, I'd have to read back a portion of this text to

1 give you a definitive answer, if it's even identifiable in the  
2 text.

3 Q. But without this text, throughout your investigations, are  
4 you aware of who these participants are who are referring to  
5 the planning being a joke?

6 A. No, I haven't seen anybody refer to a joke, other than at  
7 this point he says, out of frustration: "They call the  
8 planning a joke. How many years have they been waiting and we  
9 come all the way to Canada and they call it a joke."

10 Q. What's meant by: "Look, Turaab, take over"?

11 A. I would have to review all these to -- at one point Turaab  
12 is identified, Syed Haris Ahmed is identified as the leader.  
13 This appears that you are asking him to take over and put the  
14 plan in place here.

15 Q. It says, Aabid Khan says: "Don't invite me again,  
16 brother, it's pathetic." Invite him to what?

17 A. Is that the chat?

18 Q. Yes.

19 A. I mean, that's the only reference I can find.

20 Q. Could we go to page number 9, the very last line?  
21 Actually, page number 10, first line of page number 10.

22 A. Page number 10, at which time?

23 Q. From the top of the page.

24 A. I'm sorry?

25 Q. From the top of the page.

1     A.    If you can give me a time, I think there's a chance our  
2     page numbers may be different.

3     Q.    4:00:09.

4     A.    Okay.  It starts:  "Don't let Satan do this, seek refuge  
5     with Allah.  You do know that Satan is making us all angry.  
6     Look, right now, I am angry."

7     Q.    If you can continue.

8     A.    Khan responds:  "I know, yes, he is, I said it before."

9                 And you then continue with:  "I wanted to watch the  
10    Uzbek documentary."  And then a frown and an LOL.

11    Q.    If you could -- so was there an argument going on at the  
12    time of this conversation in a different chat room?  Is that  
13    what your understanding is?

14    A.    I don't know if I would say it's an argument.  I can  
15    recall from earlier portions of this chat your referencing a  
16    documentary that you wanted to watch and somehow you were doing  
17    this at the same time.

18                 I mean, rereading it now, yeah, it shows that you  
19    indicated you wanted to watch the documentary, asking them to  
20    let you watch it till the commercial, at least.  And the chat  
21    continues.  It doesn't look like it was ever interrupted.

22    Q.    If we can go to Exhibit 106 from time 1:10:13, Azdee says,  
23    "Yeah."

24    A.    1:10:13?

25    Q.    Yes.  On the first page.

1 A. It says: "Yeah, so leader Turaab we need you here on the  
2 15th with Khubz."

3 Q. He says?

4 A. He says: "Man, I was planning to go Pak Land."

5 And at which point Azdee responds: "Brother, with  
6 what money?"

7 Then Ahmed said: "What's wrong with my plan?"

8 Q. Okay. He refers to it --

9 A. He says his -- his plan?

10 Q. Yes.

11 A. Okay, at 1:11:06 he says: "My plan was to study in  
12 authentic madrassa until you guys joined."

13 Q. And?

14 A. Azdee says: "Yeah, but with what money? You are not  
15 going to go to Pak with \$500 spending money."

16 And Ahmed says: "And I think that's better for me to get  
17 education while you guys plan the money thing."

18 Azdee responds: "We need to organize here."

19 Q. So this, "We need to organize here," does that mean that  
20 they are not organized at that point of time?

21 A. I would say that means we need to organize here, in  
22 Canada, where Azdee was.

23 Q. So having not returned to Canada, does that mean that no  
24 organization took place?

25 A. No, I couldn't say that.

1 Q. There's a number of times throughout all these chats, a  
2 desire to get money, correct?

3 A. Correct.

4 Q. Why was there a need for money or -- let me rephrase that.  
5 Why was there such an emphasis on trying to get money? Why was  
6 there so much discussion about trying to get money?

7 A. The money was significant in order to facilitate travel to  
8 Pakistan.

9 Q. If we go to Exhibit 105.

10 A. Okay.

11 Q. Deenin, time 7:35?

12 A. 7:35?

13 Q. 34.

14 A. 7:35:34.

15 Q. Deenin says --

16 A. Page 45, Deenin says: "So tell the man to get over here.  
17 We have to plan, plan, plan! Everything perfectly."

18 He continues: "Coordinated since we're going  
19 different dates."

20 And then he continues: "So it takes lots of planning  
21 and we need all of us here."

22 Q. So together with the other portions of the chats that  
23 we've gone through, there is -- the plan has not taken place  
24 yet, has it? Because if I'm -- if you -- the plan is supposed  
25 to take place upon returning to Canada, that's what -- if you

1     could reread that last sentence, the last two lines, "So it  
2     takes a lot of planning."

3     A.    "So it takes a lot of planning and we need all of us  
4     here."    "Here" being Canada.

5     Q.    Yes.    So would that -- if no one returned to Canada, would  
6     that mean that no planning took place?

7     A.    I couldn't say no planning took place.

8     Q.    What does, 7:35:39, Deenin --

9     A.    I'm sorry, repeat the time.

10    Q.    7:35:39.

11    A.    7:35:39?

12    Q.    Yeah.

13    A.    Deenin says:    "We have to plan, plan, plan!"

14    Q.    Yes.    Why does he phrase it like that?

15    A.    Just, I would assume, the urgency, the importance.

16    Q.    Is there any discussion here about executing a plan?    Do  
17    you find anywhere parallel to executing a plan?

18    A.    We've got a lot of material here.    I can't just make a  
19    blanket statement.    I mean, I'd have to review it again.

20    Q.    Throughout the conversations do you find anything like the  
21    next step of the plan, anything phrased, anything parallel to  
22    it as well, not the exact words I'm using, perhaps, that we  
23    need to complete the plan or the next stage of the plan or the  
24    next -- or is there, as we've seen, merely that a plan needs to  
25    take place?

1     A.    You mean different options of plans that have been  
2     presented as far as ultimately getting to Pakistan?

3     Q.    Is there any discussion of either executing a plan or  
4     taking further steps to complete any plan which has been formed  
5     already?

6     A.    Steps like getting passports, visas, those steps?

7     Q.    Yes.  So there is -- okay, I understand.  So in the  
8     e-mail, which I do not have, the e-mail with Haris --

9                 MR. MCBURNEY:  It's 109.

10                THE WITNESS:  The Mother's Day celebration?

11     Q.    (By Mr. Sadequee)  Yes.

12     A.    Okay.

13     Q.    If we put -- if you could read once more from the  
14     beginning.

15     A.    Read the entire?

16     Q.    Yeah.

17     A.    Okay.  "Pass it on to everyone who is coming for the  
18     celebration of Mother's Day.  Asalam o alykum.  This is a  
19     message regarding the Mother's Day celebration that we are  
20     planning in the curry place and beyond restaurant.  I think  
21     that Mother's Day is just right at the corner and if we do not  
22     do our jobs right, the party might not be arranged fully and  
23     with some of the people going to the restaurant while others  
24     not being able to go.  That would be horrible.  I have the  
25     membership of the curry place restaurant, so does AO, so we can

1 get there without any prior reservations, but Khubz, James and  
2 AZ need to have reservation from the reservation staff. I  
3 suggest that this be done now. It takes time to get  
4 reservations so people must start planning instead of hoping  
5 for the best. We need to try our best and then pray to Allah,  
6 not just try to do things at the last moment."

7 Q. If you could explain this part, "People must start  
8 planning instead of hoping for the best."

9 A. "So people must start planning instead of hoping for the  
10 best."

11 Q. What does that mean?

12 A. The writer, again Syed Ahmed, just like other writers,  
13 expressing the urgency, the plans need to be moving forward.

14 Q. What does he mean, "hoping for the best"?

15 A. I don't know. Hoping for the best, I mean, plans are  
16 important, is what he's saying.

17 Q. But he's actually contrasting these two because the word  
18 there is "instead of hoping for the best." So the status quo  
19 at that time is hoping for the best and not planning or else  
20 there would be no need to start planning. Is that logically  
21 correct?

22 A. Your question again?

23 Q. Does this imply that the planning has not yet started and  
24 people are, instead of planning, they are hoping for the best  
25 and Turaab here is saying to reverse that?

1 A. I think I understand what you're asking, but, no. As I  
2 read this, it doesn't mean to me that no planning has occurred.

3 Q. If you can finish the sentence, it says "not just try to  
4 do things at the last moment." What does he mean by "at the  
5 last moment"?

6 A. Not just trying to do things at the last moment. Well,  
7 further down in this long paragraph he says, you know, we  
8 shouldn't expect to be able to just walk into Pakistan. He  
9 doesn't say Pakistan but he makes the reference to curry place.  
10 People need to make preparations, is what he's saying.

11 Q. The next sentence, he says?

12 A. "We know that how much curry place restaurant has respect  
13 for the Towers restaurant and since Khubz has the membership of  
14 the Towers it should be relatively easier for him but he still  
15 needs to find out the information, can't rely on this  
16 assumption that it will be walk in."

17 Q. So find out what information? What type of information is  
18 he saying that I need to find out?

19 A. Farther down it refers to your renewing your passport  
20 by -- it says: "Khubz' membership for the Towers is being  
21 renewed."

22 Q. But that's already happened, it's past, it's being  
23 renewed.

24 A. Correct.

25 Q. But he says in that sentence: "He still needs to find out

1 the information." So he's talking about something that has not  
2 yet been done that needs to be done.

3 A. Correct, whether it be passports, visas.

4 Q. He says: "I think at this stage, individuals have  
5 responsibility to find out about the reservations issue."  
6 Could you explain that?

7 Oh, and the next sentence: "And call for reservation  
8 ASAP." Can you explain that?

9 A. Okay. Where it says: "The curry place is our main area  
10 for picnic and then to spend the night at the Mountain Hills  
11 National Park. I think at this stage individuals have  
12 responsibility to find out about the reservations issue and  
13 call for reservations ASAP."

14 Q. What's he referring to?

15 A. Reservations is apparently code for visas, passports,  
16 appropriate travel documents.

17 Q. And "call for reservation ASAP," to do this as soon as  
18 possible?

19 A. Correct.

20 Q. Are you aware -- and this is from Turaab, who is supposed  
21 to be considered as our leader?

22 A. Correct.

23 Q. So this is a message from the leader to all of us?

24 A. Correct.

25 Q. Saying that everyone must do -- get their visas ASAP; is

1     that correct?

2     A.    Well, whether it be visas or, in your case, renewal of the  
3     passport, reservation is a code so --

4     Q.    The renewal of the passport is past tense.  It's not --  
5     it's already happened.  But he's saying find out about  
6     reservations issue and call for reservations ASAP.  Are you  
7     aware of if Azdee or Deenin applied for any visas to Pakistan  
8     or Afghanistan?

9     A.    It wouldn't be part of my investigation.

10    Q.    As I mentioned, you were aware that I have not --

11    A.    Whether or not you applied for a visa, that wouldn't have  
12    been part of my investigation, either.

13    Q.    So he continues:  "But AZ must start to call for  
14    reservation now."

15    A.    "But AZ must start to call for reservation now."

16    Q.    So AZ is?

17    A.    Azdee.

18    Q.    So in this e-mail four people are mentioned, excluding the  
19    writer of the e-mail?

20    A.    Correct.

21    Q.    Abu Umar, who is Aabid Khan; Khubz, myself?

22    A.    Correct.

23    Q.    And James and Azdee.  Who amongst these five individuals  
24    did go to Pakistan?

25    A.    Syed, the writer, Syed Haris Ahmed, yes, he traveled to

1 Pakistan.

2 Q. And Abu Umar as well?

3 A. Correct.

4 Q. Were these -- what's their place of birth?

5 A. I couldn't tell you. Without reviewing the file on each  
6 of them, I couldn't tell you.

7 Q. Isn't it true that both of these individuals who did go to  
8 Pakistan in fact had gone to Pakistan the year prior as well,  
9 or they were in a continuous state of going to and fro to  
10 Pakistan even prior to this so-called plan of going to  
11 Pakistan?

12 A. Again, that wouldn't have been part of my investigation,  
13 so I wouldn't be able to answer that.

14 Q. If we may go to -- do we have the conversations, the  
15 discussions from April 12th from '05?

16 A. April 12th? I don't recall, in these exhibits, April  
17 12th.

18 (Discussion off the record at defense counsel table.)

19 THE WITNESS: Okay, I've got Defendant's Exhibit 1.  
20 It appears to be a chat dated April 12th, 2005.

21 Q. (By Mr. Sadequee) You're familiar with that?

22 A. I only looked at it for a second, so, no, I can't tell you  
23 I'm familiar with it without reviewing it.

24 MR. SADEQUEE: Would it be possible to call the  
25 witness back later?

1 THE COURT: I think you need to examine him on that  
2 now. Unless, I guess, you can call him, if there's a defense  
3 case, he can be called as a defense witness.

4 MR. SAMUEL: Are you asking me?

5 THE COURT: Yes.

6 MR. SAMUEL: We're getting an extra copy. It's in  
7 the back of the room.

8 MR. SADEQUEE: Well, if --

9 THE COURT: Here, we have another copy.

10 MR. MCBURNEY: May I see the copy?

11 THE COURT: Mr. Williams, will you let Jessica staple  
12 that, please?

13 Is what the witness has, is it a marked exhibit?

14 THE WITNESS: It is marked Defendant's Exhibit 1.

15 THE COURT: All right, so he has Defendant's Exhibit  
16 1, thank you.

17 Q. (By Mr. Sadequee) At time 18:22 --

18 A. 18:22?

19 Q. Yes, 47.

20 A. 18:22:47, page --

21 THE COURT: First, that's not an exhibit yet so it  
22 cannot be published to the jury. It has to be admitted first.  
23 And that means you need a witness who can identify it and  
24 authenticate it.

25 MR. SADEQUEE: So I can't ask questions on it?

1           THE COURT: Well, you can, but it has to be admitted  
2 first.

3           MR. SADEQUEE: So it can't be read from?

4           THE COURT: Not until it's admitted.

5           MR. MCBURNEY: Judge, if Mr. Sadequee wants to tender  
6 it, I believe that Agent Allen is familiar with it and we will  
7 not object if he wants to offer it as an exhibit.

8           THE COURT: Let me first, Agent Allen, would you  
9 please look at the document? I want to make sure that it is  
10 something you're familiar with and, if it is, we will assume  
11 that if it's been asked to be admitted, then I'll ask if the  
12 government has an objection.

13          MR. SADEQUEE: Yes, I'd like to admit this.

14          THE COURT: Hold on one second. We have to wait  
15 until he has a chance to look at it first since he said he  
16 needs time to review it.

17          THE WITNESS: That's fine with me as long as the  
18 Court will have patience that, obviously, this is not something  
19 I've reviewed recently and it's going to take me a little time  
20 going through it.

21          THE COURT: I understand. I think I've been pretty  
22 patient so far.

23          THE WITNESS: All right.

24          THE COURT: So I think Mr. Sadequee would like to  
25 move that into evidence.

1 MR. SADEQUEE: Yes.

2 THE COURT: Is there any objection from the  
3 government?

4 MR. MCBURNEY: No, sir.

5 THE COURT: Then it's admitted. Now you can ask  
6 questions about it.

7 Q. (By Mr. Sadequee) On 18:22:47.

8 A. 18:22:47.

9 Q. Giving a link?

10 A. Okay, at 18:22:47 it appears on this copy that you are the  
11 writer and you're providing a link to voanews.com.

12 Q. Could you read down from that?

13 A. Okay. Continues: "Allah showed that to us, I'll tell you  
14 the rest later, insha'Allah, face to face."

15 Q. Continue.

16 A. I'm trying to identify the other writer. On my copy it  
17 appears to be cut off. The other writer to this says: "Yes, I  
18 was reading that," and then gives the thumbs up.

19 Q. If you can continue.

20 A. It's in Arabic but it's: "Allaahu mawlana," smiley face.  
21 And then "Insha'allah ta'aala."

22 Q. Continue.

23 A. Now at this point you're the writer again and you say:  
24 "It was all a Hollywood stunt, btw," for by the way, "it was  
25 all BS. We saw it. They just wanted to..."

1 And the other writer interrupts: "Wallaah, staged?"

2 And you continue: "...make a show, yeah, that the  
3 security can do something, it was the most retarded thing  
4 ever."

5 And there's an interruption in Arabic. You  
6 respond --

7 Q. Do you know what's being referred to?

8 A. I believe I do.

9 Q. This is, the date, is after returning from D.C., correct?

10 A. After you and Ahmed went to D.C. for the videos, yes.

11 Q. So is this referring to what we witnessed in D.C. of the  
12 Chinese man?

13 A. Yeah. I mean, I would have to check this link to make  
14 sure that it's identical to the link that I'm aware of but the  
15 VAO news article that I'm aware of was of a Chinese man, that  
16 there was a disturbance at the Capitol during the same period  
17 of time that you all were there.

18 MR. SADEQUEE: That was it. Thank you.

19 THE COURT: Any redirect, Mr. McBurney?

20 MR. MCBURNEY: Thank you, Judge.

21 REDIRECT EXAMINATION

22 BY MR. MCBURNEY:

23 Q. Agent Allen, in your own words, describe the general plan,  
24 the ultimate objective of the individuals that we've just been  
25 discussing through all these chats, perhaps as best

1 encapsulated in what we're calling the Mother's Day e-mail,  
2 Exhibit 109. What was that plan?

3 A. The ultimate plan was to get to Pakistan, to enter a  
4 terrorist training camp, and then eventually, by reference to  
5 the Mountain Hills National Park, fight in a jihad in  
6 Afghanistan. And then, as an alternative in that Mother's Day  
7 e-mail, it offers the option of going to the rivers, which is a  
8 reference to the conflict in Iraq.

9 Q. Then also discussed in several of the chats was the  
10 possibility of going to Kashmir fighting with what  
11 organization?

12 A. Lashkar-e-Tayyiba.

13 Q. In your review of all of these chats and e-mails that  
14 we've just covered very thoroughly with the jury, did you ever  
15 encounter any disagreement, frustration with, or unhappiness  
16 with the macro-level plan that we just described?

17 A. No.

18 Q. Did you read frustration, disagreement, anger over the  
19 details: when to go to Canada, what type of apartment to get,  
20 who's going to leave when?

21 A. Yes. There was routinely bickering about when something  
22 would happen. Most parties, you know, were always pushing for  
23 it to happen sooner, and how the money would be raised, when it  
24 would be ready. Yeah, there was a lot of bickering at that  
25 level.

1 Q. In terms of getting to curry place restaurant and  
2 ultimately to Afghanistan, Kashmir or Iraq, any disagreement?

3 A. No.

4 MR. MCBURNEY: Thank you.

5 THE COURT: Go ahead.

6 RECROSS-EXAMINATION

7 BY MR. SADEQUEE:

8 Q. Was there ever money raised as a group? Not as individual  
9 people, but for as a group, all of us, which is what we were  
10 discussing, was ever any money raised?

11 A. I wouldn't be able to tell you each person's arrangement  
12 and what funds they had, no, I wouldn't be able to answer that.

13 Q. Once having gone, I had gone to Bangladesh, was there a  
14 different plan all of a sudden?

15 A. A different plan once you were in Bangladesh?

16 Q. Yes.

17 A. I'm not aware of one. Just the e-mail where you were  
18 trying to arrange your travel from Bangladesh to Pakistan  
19 directly.

20 Q. From Bangladesh, there's an e-mail?

21 A. The chat where you're writing, you're drafting the e-mail  
22 to the Pakistani embassy in Dhaka.

23 Q. Where was I when I was in the chat, I'm giving an -- I  
24 want to write to Pakistan embassy?

25 A. Correct.

1 Q. Where was I at that time when I'm writing that e-mail?

2 A. I believe you're still in Atlanta at the time of that  
3 draft.

4 Q. And you previously mentioned that you're not aware of  
5 whether or not that e-mail was actually ever sent to the  
6 Pakistani embassy, because we're just talking about a chat?

7 A. Correct, I'm not aware. That wasn't part of my  
8 investigation. I'm not aware of when you might have sent that.

9 Q. In your investigation you're aware of a later -- latter  
10 discussions which come after these discussions of a different  
11 plan with regards to Sweden? Sweden, moving to Sweden?

12 A. I haven't testified to anything related to Sweden.

13 Q. Okay, then, that will be it.

14 THE COURT: Does anybody want Agent Allen subject to  
15 recall?

16 MR. SADEQUEE: Yes.

17 THE COURT: You do?

18 All right, then Agent Allen, I'm going to excuse you.  
19 You are subject to recall. Don't discuss the case with anybody  
20 until you are either recalled or you are told that the case is  
21 concluded. Thank you for your testimony.

22 How long is your next witness?

23 MR. MCBURNEY: Judge, that's uncertain. It's Syed  
24 Haris Ahmed. If it goes smoothly, I suspect that I'll have a  
25 direct examination of 45 minutes, maybe an hour. I don't know

1     how it's going to flow, it's hard to predict.

2                 THE COURT:  What's the jury's preference?  Would you  
3     like to take a short break now and have that testimony be  
4     continuous?

5                 I see more nodding of heads than shaking of heads.  
6     Those of you that didn't move your head, you are going to be  
7     subject to the vote of the noddors.  So we are going to take a  
8     15-minute break and we will resume at 3:30.  Don't discuss the  
9     case with anybody while we're breaking.

10                (Jury retired from the courtroom at 3:15 p.m.)

11                THE COURT:  Just to remind you I'm still here, we're  
12     not adjourned yet.  Is there anything we need to discuss before  
13     we take our break?

14                MR. MCBURNEY:  No.

15                THE COURT:  We'll be in recess for 15 minutes.

16                (Recess, 3:15 p.m. to 3:40 p.m.; following  
17     proceedings outside the presence of the jury.)

18                THE COURT:  I thought over the break that,  
19     considering that Mr. Ahmed is testifying next, that I ought to  
20     give a short instruction to the effect that, because I assume  
21     it's going to come out that he's been convicted of these  
22     offenses previously, there's already been a fair amount of  
23     testimony about the relationship between the two, and so I  
24     was -- while I would cover this further in final charge, what I  
25     thought I would say now, just because of the nature of him as a

1 witness and the fact that he has been convicted of a conspiracy  
2 charge, I was going to say that Mr. Ahmed's conviction should  
3 not be used as evidence that the defendant is guilty of the  
4 offenses with which he is charged. You will be required to  
5 consider the evidence presented in this trial only to determine  
6 if Mr. Sadequee is guilty or not guilty of the offenses with  
7 which he is charged.

8 Is there any objection to that instruction --

9 MR. MCBURNEY: No, sir.

10 THE COURT: -- after that evidence comes out? Mr.  
11 Sadequee, is there any objection to the instruction?

12 MR. SADEQUEE: (Shakes head.)

13 THE COURT: You might want to talk to Mr. Samuel  
14 about that.

15 MR. SAMUEL: We just talked.

16 THE COURT: All right. Let's bring the jurors in,  
17 please.

18 MR. MCBURNEY: Judge, is your plan to read that  
19 before he starts or after you hear that evidence?

20 THE COURT: After I hear the evidence.

21 MR. MCBURNEY: It will come out about four minutes in  
22 to things.

23 THE COURT: All right.

24 MR. MCBURNEY: Depending on his answers. Early on, I  
25 guess I should say.

1 (Jury returned to the courtroom at 3:42 p.m.)

2 THE COURT: Please call your next witness.

3 MR. MCBURNEY: Syed Haris Ahmed.

4 THE COURTROOM DEPUTY: Please raise your right hand.

5 SYED HARIS AHMED,

6 being first duly sworn or affirmed, was examined and testified  
7 as follows:

8 THE COURT: Please be seated. If you will push the  
9 microphone down and speak right into that, please, Mr. Ahmed.

10 THE WITNESS: Is that okay?

11 THE COURT: Yes.

12 DIRECT EXAMINATION

13 BY MR. MCBURNEY:

14 Q. Good afternoon. Could you please state your name,  
15 spelling your name for the court reporter.

16 A. I'll begin with an invocation to God for blessing and then  
17 I'll begin.

18 Q. Okay.

19 A. (Foreign language spoken).

20 I testify that there's no one worthy of worship but  
21 Allah and that Muhammed is a slave and a messenger for Allah  
22 and Jesus is also a slave and a messenger for Allah and the  
23 word from him was (indiscernible) and spread from him.

24 My name is Syed Haris Ahmed, S-y-e-d A-h-m-e-d.

25 Q. Mr. Ahmed, by what name did your friends and family

1 members call you?

2 A. Haris.

3 Q. Did you have any online monikers or nicknames?

4 A. Yeah.

5 Q. What were some of those?

6 A. One of them was Thandy Mazaq.

7 Q. I don't mean e-mail addresses, but more if you were  
8 chatting online, what would your name be?

9 A. Oh, there were many. Sometimes I was known as Turab.

10 Q. Turab?

11 A. Abu Turab.

12 Q. How do you spell that?

13 A. There's two different ways of spelling it.

14 Q. Give us both, please.

15 A. One is A-b-o-u and T-o-u-r-a-a-b, or short form, A-b-u  
16 T-u-r-a-b.

17 Q. Were you arrested in March of 2006 by the FBI?

18 A. Yeah.

19 Q. You were charged with conspiracy to provide material  
20 support to terrorism?

21 A. Yes.

22 Q. Did you get a lawyer assigned to you or appointed to you  
23 that day?

24 A. What day?

25 Q. Pardon me?

1     A.     What -- the day I was arrested?

2     Q.     Or soon thereafter.

3     A.     Soon thereafter.

4     Q.     Mr. Martin?

5     A.     Yes.

6     Q.     He's been your lawyer ever since?

7     A.     Yes.

8     Q.     Did you go to trial last month in your case?

9     A.     Yeah.

10    Q.     Were you found guilty?

11    A.     Yes.

12    Q.     After your conviction were you asked, through your lawyer,  
13    Mr. Martin, whether you would testify in this case?

14    A.     Yeah.

15           THE COURT:  Let me give my instruction now.

16           Now that you've heard that Mr. Ahmed has been  
17    convicted, you are instructed that his conviction should not be  
18    used as evidence that the defendant, Mr. Sadequee, is guilty of  
19    the offenses with which he is charged.  You will be required to  
20    consider the evidence presented in this trial only to determine  
21    if Mr. Sadequee is guilty or not guilty of the offenses charged  
22    in this case.

23           All right.

24           MR. MCBURNEY:  Thank you.

25    Q.     (By Mr. McBurney)  Mr. Ahmed, through your lawyer, what

1 was your answer, your original answer when the government asked  
2 you to come as a witness?

3 MR. MARTIN: Your Honor, I'm going to object going  
4 into conversations between --

5 THE WITNESS: I can, I would like to answer it.

6 MR. MARTIN: If he's willing to answer, I just  
7 understand these sound like conversations that might be in the  
8 attorney-client privilege and I would object to him going into  
9 matters that would be attorney-client privilege. Unless, of  
10 course, it is the client's right to testify if he's willing to.

11 THE COURT: Mr. Ahmed, did you want to answer this  
12 question?

13 THE WITNESS: I want to answer the question.

14 THE COURT: All right.

15 THE WITNESS: I said no.

16 Q. (By Mr. McBurney) Okay. And I wasn't asking about your  
17 conversation with your lawyer, just if you knew what your  
18 lawyer told us. But your answer was no, you were not going to  
19 testify?

20 A. Uh-huh.

21 Q. Did you then receive immunity from the government? In  
22 other words, were you told that you would face no further  
23 punishment in any way, you wouldn't ever be -- your testimony,  
24 your truthful testimony would never be used against you in any  
25 way in federal court?

1     A.    You mean the court order?

2     Q.    Yes, sir.

3     A.    Yeah.

4     Q.    You understand that the grant of immunity and the court  
5    order, it doesn't change your conviction in any way, but you  
6    now have immunity here, meaning nothing you say here would ever  
7    be used against you in federal court as long as it's truthful?

8     A.    Yeah.

9     Q.    You understand that?

10    A.    Yes.

11    Q.    How old are you, Mr. Ahmed?

12    A.    I'm 24.

13    Q.    What country were you born in?

14    A.    Pakistan.

15    Q.    When did you move to the United States?  Month and year,  
16    if you remember.

17    A.    April '97.

18    Q.    Are you a U.S. citizen?

19    A.    Yes.

20    Q.    Are you also a Pakistani citizen?

21    A.    Yes.

22    Q.    Where did you go -- did you go to high school in the  
23    United States or in Pakistan?

24    A.    Here.

25    Q.    Where?

1     A.    I graduated from Dawson County High School.

2     Q.    Did you attend college?

3     A.    Yes.

4     Q.    One or more than one?

5     A.    More than one.

6     Q.    Where did you go first?

7     A.    North Georgia College & State University, and the second  
8     one was Georgia Tech.

9     Q.    Were you a student at Georgia Tech when you were arrested  
10    in March 2006 in your case?

11    A.    Yes.

12    Q.    In the summer and fall of 2004, where were you living?

13    A.    I had two homes, I guess.

14    Q.    Where were the two homes?

15    A.    One was with my family and one was close to my college in  
16    Georgia Tech.

17    Q.    The family home, that's the Brynbrooke Drive address?

18    A.    Yes.

19    Q.    And the address near school, that was the one on Ethel  
20    Street?

21    A.    Yeah.

22    Q.    That's near Georgia Tech, when you say school?

23    A.    Yes.

24    Q.    During that time, summer and fall of 2004, were you  
25    spending time on web forums such as Tibyan, Clear Guidance,

1 places like that?

2 A. 2004, summer?

3 Q. Yes, sir.

4 A. Not summer of 2004, actually. Afterward.

5 Q. After. When did you start going to websites such as  
6 Tibyan?

7 A. I would say fall of 2004 or close to end of 2004.

8 Q. Okay. When did you first meet the defendant in this case,  
9 Mr. Sadequee?

10 A. Close to end of 2004.

11 Q. Did that correspond with when you started exploring  
12 Tibyan, the website?

13 A. Tibyan? Yeah.

14 Q. Did you meet the defendant online first or in person  
15 first?

16 A. In person.

17 Q. Where?

18 A. At a mosque.

19 Q. Which mosque?

20 A. I think Al-Farooq in downtown Atlanta.

21 Q. Also known as the 14th Street Mosque?

22 A. Yeah.

23 Q. That's where you first met the defendant?

24 A. Yeah.

25 Q. Did you ever spend time online communicating with the

1 defendant, chatting online with Defendant Sadequee?

2 A. At that time?

3 Q. At some point after you met him.

4 A. Oh, after I met him? Yeah.

5 Q. Did the defendant introduce you to someone named Omer  
6 Kamal?

7 A. Actually, I met him independent of him first.

8 Q. And in what context did you meet Mr. Kamal?

9 A. At a Georgia Tech banquet that we had.

10 Q. An MSA banquet?

11 A. Uh-huh.

12 Q. Muslim Student Association?

13 A. Yeah.

14 Q. Did you and Mr. Kamal and the defendant end up spending  
15 time together?

16 A. Yes.

17 Q. Would you spend time together at the defendant's house?

18 A. Sometimes.

19 Q. Your house? Meaning the Brynbrooke Drive address.

20 A. Sometimes.

21 Q. Sometimes at Mr. Kamal's house?

22 A. I never went to his -- oh, I went to his maybe once.

23 Q. Did you ever go paintballing with the defendant?

24 A. Yeah.

25 Q. For you, I'm not asking you what you think other people's

1 purposes were, but for you was one of the purposes, one of the  
2 purposes of paintballing preparing yourself for going overseas  
3 and getting into a training camp?

4 A. The reason purpose or like at the beginning intention or  
5 what? What do you mean?

6 Q. Was it one of the reasons why you did the paintballing?

7 A. Because -- you mean -- since childhood I've been  
8 interested in paintballing and in guns. So it's not -- I mean,  
9 I would say my childhood, you know, dream was to play with  
10 guns. Would that be a reason or what are you asking for?

11 Q. When you would paintball with the defendant and sometimes  
12 with Mr. Kamal as well, did you and the defendant and Mr. Kamal  
13 discuss how this might be useful if you ended up getting into  
14 some type of training camp in Pakistan or if you decided you  
15 were going to pursue violent jihad?

16 A. I did not discuss it with him, how it could be helpful in  
17 training for a training camp.

18 Q. So we're clear on this, what you're saying is that it was  
19 never a thought of yours that doing paintball with the  
20 defendant or with the defendant and Mr. Kamal was something  
21 that might help prepare you for the next phase of jihad  
22 training?

23 A. I said discuss it with them.

24 Q. Okay.

25 A. Like, we did not sit and discuss all the paintballing,

1     that's what we need to do for jihad. I did not say my  
2     intention or not.

3     Q.    Well, that's what I tried --

4     A.    You said discuss it, so that's what I answered, discussed.

5     Q.    I did say that. Before that we talked about your  
6     purposes. We'll use the word "intentions." Was that one of  
7     your intentions?

8     A.    Later on it became one of my intentions.

9     Q.    Later on?

10    A.    During, when I was doing it. Like, the initial idea was  
11    not for jihad.

12    Q.    Understood.

13    A.    But then, you know, I was doing paintball and then it came  
14    to me, oh, you know, we could -- I could for my own purposes.

15    Q.    For your own purposes. At this time in your life now,  
16    late 2004, maybe early 2005, were you discussing with the  
17    defendant, perhaps with Mr. Kamal, perhaps with other people  
18    online, the possibility of making hijrah, migrating to Muslim  
19    lands, and engaging in violent jihad?

20    A.    Hijrah and jihad, sometimes I would discuss it separately.  
21    I mean, it's not together, linked together.

22    Q.    Okay. Well, let's take them one at a time, then. During  
23    this time, late 2004, early 2005, did you ever discuss with the  
24    defendant the possibility of you making hijrah, migrating back  
25    to Muslim lands?

1     A.    I made it with many people so I cannot recall with him  
2     specifically but I made it with many people.  That was my, you  
3     could say, team of talking with many people.

4     Q.    Who was on your team?

5     A.    It was one, Zubair.  And then, you know, one of my  
6     cousins.

7     Q.    What's his name?

8     A.    Safiullah.

9     Q.    It's not the kind of thing you ever discussed with someone  
10    named Azdee?

11    A.    Like 2004, I don't think I was even talking with him.

12    Q.    Let's remove the time constraint now.  Let's just talk  
13    about after you got into Georgia Tech onward, during that  
14    broader time frame.  Did you ever, with the defendant, did you  
15    ever discuss with the defendant, face to face or online, your  
16    intention to make hijrah, return to the Muslim lands?

17    A.    I mean, I cannot specifically with him or not but I'm  
18    saying I've been doing it for -- with many people, so probably.

19    Q.    Well, you only listed two, you gave Zubair and Safiullah.  
20    What are some of the other names of the individuals with  
21    whom -- and we're separating the two -- you discussed hijrah?

22    A.    Well, hijrah, with my family too.

23    Q.    Outside your family.  People you met online, places like  
24    Tibyan or Clear Guidance or any of the chat rooms you were in.

25    A.    There was one lady that I used to translate for, Jihad

1 Unspun, we used to -- you know, I used to translate for her and  
2 we talked about committing hijrah.

3 Q. Okay. The jury has seen a lot of evidence in this case so  
4 far. Let me try some other names. Abu Umar, is that someone  
5 you talked with online about making hijrah?

6 A. Yeah.

7 Q. Maybe not using the word "hijrah," but the notion of going  
8 to Pakistan?

9 A. Yeah.

10 Q. Okay, Abu Umar. How about, I mentioned Azdee but we got  
11 stuck on a time frame.

12 A. Uh-huh.

13 Q. Azdee?

14 A. Uh-huh.

15 Q. James or Deenin? That's the same person.

16 A. Yes.

17 Q. Yes? Do you think the defendant was ever involved in any  
18 of these conversations you were having with Abu Umar or Azdee  
19 or Deenin?

20 A. We used to have chat together.

21 Q. Let's take the second piece, engaging in violent jihad,  
22 not an internal struggle but taking up arms in support of that  
23 cause. Did you ever talk about doing that? We'll go to the  
24 beginning of your list. Zubair?

25 A. Yeah.

1 Q. In fact, you guys had a name for it other than jihad.  
2 What was the code word you and Zubair used?

3 A. Code word, third.

4 Q. Third. So first level, maybe learning about Islam; second  
5 level something else; but if you got to third, if you were able  
6 to do third, what did that mean to you?

7 A. To me it meant to be in the land of jihad. Not -- I mean,  
8 third was basically the land of jihad.

9 Q. So your testimony is that in discussing things with  
10 Zubair -- we'll talk later about who Zubair is -- third never  
11 meant actually fighting the Taliban or with LeT or --

12 A. It was implied, I guess.

13 Q. So it wasn't living peaceably, minding your own business  
14 as a farmer?

15 A. I mean with implied, that if I am interested in jihad and  
16 if I go to there I would, I guess, you know, take up arms, I  
17 guess.

18 Q. Do you recall any times where you and Abu Umar might have  
19 talked about you getting into a camp, how much does it cost to  
20 get there, training, and then ultimately getting to what you  
21 might have called J land?

22 A. I've seen the chat, yeah.

23 Q. Was that you? Were you the Abu Turab or the Al-Muwahid?

24 A. Yeah. I mean, like a chat, I cannot exactly recall in my  
25 memory, but I've seen the chats and I know it was me.

1 Q. So, yes, you did at some point, I think it was April 2005,  
2 talk with Abu Umar about going to a training camp in Pakistan  
3 and ultimately engaging in violent jihad?

4 A. Asking him about it.

5 Q. What's your understanding about Abu Umar? Had he been to  
6 a training camp?

7 A. I did not know if he had been or not but he was in  
8 Pakistan, I think. I think he was in Pakistan at that time, or  
9 he had been to Pakistan.

10 Q. You would agree that he talked knowledgeably about  
11 training camps?

12 A. Yeah, that's what I'm saying, he knew like the land, the  
13 area.

14 Q. Okay, let's get back to the defendant. Did you ever  
15 discuss with the defendant your interest, your desire, your  
16 intention to engage in violent jihad? Not just go back to  
17 Pakistan or the Muslim lands, but to engage in violent jihad.

18 A. My intention?

19 Q. Yes. Did you discuss your intention with the defendant?

20 A. Yeah.

21 Q. We talked a little bit about Turab or Aboo Turaab being  
22 one of your online monikers. I'm going to show you the third  
23 page of Government's Exhibit 1, Turab and Aboo Turaab, Aboo  
24 Turaab al-Qurashee, is that an online name you used?

25 A. Yeah.

1 Q. I think this was one you were mentioning when I first  
2 asked, Thandy Mazaq?

3 A. That was my e-mail address.

4 Q. That's you?

5 A. Yeah.

6 Q. Piddikashorba?

7 A. That's me.

8 Q. And finally, Al-Muwahhid?

9 A. Yeah.

10 Q. That's yes?

11 A. Yes, that's me.

12 Q. Are there others?

13 A. Oh, I have many e-mail addresses that I even recall -- I  
14 don't even recall right now.

15 Q. I'm asking only what you -- well, two things, you're  
16 saying there were more than that?

17 A. Oh, yeah, of course.

18 Q. But right now you don't remember any of the others?

19 A. I'm not saying any, but there have been many e-mail  
20 addresses that, yeah, I've had more than that.

21 Q. You might have had Haris-Ahmed at one time?

22 A. Yeah. I had that, yeah.

23 Q. Okay. And the defendant went by Aboo Khubayb Al-Muwahhid.  
24 Are you familiar with that?

25 A. Yes.

1 Q. Or Khubz or Khubayb for short?

2 A. I never called him Khubz.

3 Q. You may not have, but did you ever in a chat see someone  
4 else call him Khubz?

5 A. Yeah.

6 Q. And then the defendant is the Al Muwahhid with no hyphen  
7 when it comes to e-mails?

8 A. Yeah.

9 Q. Mr. Kamal, his online moniker, nickname, do you remember  
10 that?

11 A. Falook, maybe.

12 Q. Falook?

13 A. Falook, yeah.

14 Q. After you had begun to explore places like Tibyan  
15 Communications or Tibyan Publications, you had done some  
16 paintballing, got to know the defendant, did you take a trip to  
17 Canada?

18 A. Yes.

19 Q. March 2005?

20 A. Yeah.

21 Q. Who went with you?

22 A. The defendant.

23 Q. How did you and the defendant get to Canada?

24 A. By bus, Greyhound.

25 Q. How far in advance had you planned the trip? When had you

1 decided we'll go to -- you had to buy tickets, so your best  
2 recollection as to how far in advance you planned the trip?

3 A. Planned? I mean, we had said that we might want to visit  
4 Canada. Is that you mean planning, or when we bought the  
5 ticket?

6 Q. Let's talk about both. When did you and the defendant  
7 first talk about the idea of visiting Canada?

8 A. That, I mean I don't recall exactly, but the ticket was  
9 bought, I think, a week or maybe ten days before, something  
10 like that, or maybe --

11 Q. Who initially paid for the tickets? Someone charged them  
12 on a credit card.

13 A. Oh, I think he got his but I paid him the money.

14 Q. I'm sure you reimbursed him, but defendant's credit card,  
15 not yours?

16 A. Yeah. Oh, it wasn't mine.

17 Q. Got there via Greyhound. Who was it that you thought you  
18 were going to meet when you went to Canada?

19 A. Our online friends.

20 Q. Okay. That sounds like it's a big community. Who from  
21 that group?

22 A. We -- people meet people on chat rooms, online chat rooms.

23 Q. But specifically from your group of online friends -- and  
24 when you say online friends, these are people you met through  
25 chat rooms where you discussed baseball?

1 A. It's not all jihad. It's also just Islamic, general  
2 Islamic concepts too.

3 Q. Okay, so Islam in general, but you also talked about  
4 violent jihad with these folks?

5 A. Not every one of them.

6 Q. Okay, with some of them?

7 A. Yeah. I mean, the chat rooms are big, there are many  
8 people on them. Not everyone is, you know --

9 Q. I don't mean to suggest that that's the only thing you  
10 talked about, but these are people you met through those types  
11 of chat rooms?

12 A. Chat room, again, we have a lot of, many people in chat  
13 rooms. So not everyone was talking about jihad or we were not  
14 talking jihad with them.

15 Q. Okay. Regardless of what the topics of conversations  
16 were, who from your online group of friends were you expecting  
17 to meet when you took the Greyhound bus to Toronto?

18 A. Well, I only knew Azdee like before, before that.

19 Q. So Aboo Sulaymaan wasn't someone you knew before you went  
20 to Canada? And when I say "knew," I mean online.

21 A. Oh, I did not -- Aboo Sulaymaan, I don't believe I knew  
22 him. I never chatted with him. I don't think I chatted with  
23 Aboo Sulaymaan.

24 Q. Okay, so it's a list of one, or were you expecting to meet  
25 with more people when you got to Canada?

1 A. I had talked with Azdee before but I was expecting to meet  
2 some more people in Toronto.

3 Q. Had Azdee told you that he would have other people with  
4 him?

5 A. He hadn't told me but, I mean, I knew from being on Tibyan  
6 that there were many people in Toronto from Tibyan and other  
7 chat rooms.

8 Q. While you were in Canada, where did you stay? How many  
9 days, how many nights were you there?

10 A. I think five, five days or six days.

11 Q. Okay, five or six. Where did you stay?

12 A. Stayed some time at a mosque and then one night I think at  
13 an aunt's.

14 Q. Your aunt or the defendant's aunt?

15 A. Defendant's aunt.

16 Q. One night at the defendant's, not the whole week?

17 A. No.

18 Q. One of the nights?

19 A. Yeah.

20 Q. Do you have any relatives in the Toronto area?

21 A. I have but they're far -- I mean, technically I have some  
22 relative, yes.

23 Q. But they're distant relatives?

24 A. Yeah.

25 Q. Did you stay with them while you were in Toronto?

1     A.    I did not.

2     Q.    Did you meet them while you were in Toronto?

3     A.    No.

4     Q.    The mosque that you stayed in, was it a mosque that Azdee  
5    found for you to stay in?

6     A.    He took us there.

7     Q.    You didn't make plans in advance with the mosque to stay  
8    there?

9     A.    We had no plans at all.

10    Q.    You stayed in a mosque and one night the defendant's  
11   aunt's house. Did you stay anywhere else?

12   A.    That's all I remember, actually.

13   Q.    Didn't stay in anyone else's house?

14   A.    One of the nights we may have stayed at a friend's house,  
15   yeah.

16   Q.    You may have because you maybe remember? What do you mean  
17   by you "may have"?

18   A.    I mean, it's been a long while. We did go to people's  
19   houses so I don't -- I cannot recall if I spent any time night  
20   or we were talking and then we went home.

21   Q.    So you visited people's houses, you may have spent one  
22   night somewhere else?

23   A.    Yeah. We used to talk, you know.

24   Q.    So it sounds like you ended up meeting Azdee while you  
25   were in Canada?

1     A.     (Nods head.)

2     Q.     Who else did you meet while you were there besides the  
3     defendant's aunt? I'm talking about people who were going to  
4     talk with you about Islam, jihad, et cetera.

5     A.     There was James.

6     Q.     James. Do you know James' real name?

7     A.     James' real name? I called him James.

8     Q.     Okay. Do you know, remember any online names for James?

9     A.     Actually, I did not talk with him online much at all, not  
10    much.

11    Q.     Okay.

12    A.     But James is only one I think I know, that's what I  
13    called.

14    Q.     All right. So Azdee and someone who goes by the name of  
15    James?

16    A.     And there was some people that I don't recall their names.  
17    There was one brother, I think his name was Jamal, I think.

18    Q.     Jamal, okay. And this Aboo Sulaymaan I mentioned, did you  
19    end up meeting Aboo Sulaymaan?

20    A.     I don't even know Sulaymaan. Abu Umar maybe.

21    Q.     You met Abu Umar while you were there?

22    A.     Maybe.

23    Q.     You say "maybe." You did meet him there?

24    A.     Yeah.

25    Q.     But you knew who Abu Umar was before you went to Canada?

1     A.     No.

2     Q.     Defendant had never talked to you about Abu Umar before  
3     you went to Canada?

4     A.     I did not even know ABU Umar, I was going to meet Abu Umar  
5     in the meeting.

6     Q.     Say that again?

7     A.     I did not even know I was going to meet Abu Umar, someone  
8     named Abu Umar at Toronto.

9     Q.     When you were in Toronto and you met Abu Umar, did he tell  
10    you what his real name is or just Abu Umar?

11    A.     He did not tell me his real name.

12    Q.     Where did he say he was from?

13    A.     He did not -- like where he was born or where he was from,  
14    like living?

15    Q.     Where he was -- either way, where he was living at the  
16    time or where he was born.

17    A.     He said, you know, he was Pashtun, that's Pakistan.

18    Q.     So Abu Umar told you while you were in Canada that he was  
19    at least born in and originally from Pakistan, like yourself?

20    A.     I don't think he said he was born but I could tell he was  
21    Pashtun, that's a race of Pakistani.

22    Q.     His family was?

23    A.     At least, yeah, his family was.

24    Q.     Did he have an accent? I assume you talked with him, you  
25    didn't just look at him?

1     A.    Uh-huh.

2     Q.    Did he have an accent:  British, English, southern, West  
3    Coast, Boston?

4     A.    I could not differentiate.  He had an accent but I could  
5    not tell where from.

6     Q.    Azdee, James, Jamal, Abu Umar.  Anyone else?

7     A.    Other people at the mosque that I don't know their names  
8    over there.

9     Q.    Did you and the defendant and these four people end up  
10   talking about going to Pakistan with the idea of getting into  
11   training camps there?  While you were in Canada did you talk  
12   with them about that?

13    A.    We talked about going to Pakistan and I guess -- not all,  
14   but some of them may have talked about training camps.

15    Q.    While you were present was that topic discussed,  
16   regardless of who's talking about it?

17    A.    Yeah, I think it was.

18    Q.    Did you, not you personally but the group that was  
19   discussing this, agree that one good idea was to send someone  
20   in advance to Pakistan to sort of get the lay of the land,  
21   figure out where people might stay and where good camps might  
22   be?

23    A.    Actually, that was not discussed in Canada.  It was my  
24   idea afterwards.

25    Q.    You're sure about that?

1     A.    I'm pretty sure.

2     Q.    I'm going to come to these in a minute but I just want to  
3    touch on them real briefly.  You were interviewed before you  
4    were arrested by the FBI?  Yes?

5     A.    Yes.

6     Q.    I think five separate interviews?

7     A.    Uh-huh.

8     Q.    All of them were noncustodial, meaning you were not under  
9    arrest during any of them?

10    A.    Yes.

11    Q.    At the end of some of these interviews were you given a  
12   summary of what you had discussed with the agents?

13    A.    Yeah.

14    Q.    Were you given an opportunity to review that summary?

15    A.    Yeah.

16    Q.    You can read and write English?

17    A.    Yeah.

18    Q.    Were you given the opportunity to change anything that you  
19   disagreed with in those statements?

20    A.    Yes.

21    Q.    And at the end did you adopt the statement, sign it, say,  
22   "This is correct"?

23    A.    Yeah.

24    Q.    You should have in front of you a pile of several  
25   documents.  If you would find Government's Exhibit 168.

1     A.     Okay.

2     Q.     Do you recognize that?

3     A.     Yes.

4     Q.     Is this the statement that you adopted at the end of your  
5     March 18th, 2006, interview?

6     A.     Yes.

7     Q.     Is this your signature on the bottom of the third page?

8     A.     Yes.

9             MR. MCBURNEY:   Government tenders Exhibit 168.

10            THE COURT:   Any objection?

11            MR. SADEQUEE:   No objection.

12            THE COURT:   It's admitted.

13            MR. MCBURNEY:   If you could put up page 2,  
14     Government's Exhibit 168.

15     Q.     (By Mr. McBurney)   Mr. Ahmed, at the bottom of the long  
16     paragraph -- before I ask you any questions about what's in  
17     there, did you write this?

18     A.     (Shakes head).

19     Q.     You need to answer out loud.

20     A.     Oh, no.

21     Q.     An agent wrote this?

22     A.     Yes.

23     Q.     And you were given a chance to read it?

24     A.     Yes.

25     Q.     And your initials are next to every paragraph, this is

1 your initial down here, the S.A.?

2 A. Yeah.

3 Q. You read every paragraph?

4 A. I did.

5 Q. In fact, I believe this one was also read aloud to you  
6 before you read it; is that correct?

7 A. I don't recall it.

8 Q. We've now zoomed in on the bottom of this large paragraph  
9 that carries over from the first page. Read the last two  
10 sentences of that paragraph, of the statement that you adopted  
11 on March 18th, 2006. Read it out loud.

12 A. "We discussed" --

13 Q. It starts with, "The main conversations."

14 A. "The main conversations in Canada were related to going to  
15 Pakistan to obtain military-style training and jihad training.  
16 We discussed that one brother should go ahead and set up  
17 housing and make arrangements and then the others could come  
18 over."

19 Q. At some point, either in Canada while you were talking  
20 with these people, or in some of the chats that followed  
21 involving Azdee, you, Abu Umar, and in many instances the  
22 defendant, did you all discuss that LeT, Lashkar-e-Tayyiba, was  
23 a possible provider of this military-style training that you  
24 could get?

25 A. Can I explain this statement with regards to what I said

1 before? I mean, should I explain it?

2 Q. I don't think you need to. I'll ask the questions and if  
3 there's something that needs clarifying, I'll ask about that.  
4 Do you remember my question?

5 A. No.

6 Q. Okay. At some point, either while you were in Canada with  
7 Azdee, James, Abu Umar, and the defendant, or in some of the  
8 chats that followed after you got back to Atlanta, did you all  
9 discuss that LeT, Lashkar-e-Tayyiba, was one possible sponsor  
10 of training camps that you might use?

11 A. We did not discuss any specific camps in person, actually.

12 Q. Okay.

13 A. But, again, one of -- during my trial I've seen in one of  
14 the chats that I mentioned LeT, but I don't recall all the  
15 chats. I don't recall LeT other than in one chat.

16 Q. Okay, and I'm not asking if you recall all the chats. Do  
17 you recall a chat where you and others discussed how LeT was an  
18 ideal organization if you were going to go into a training camp  
19 in Pakistan because the government of Pakistan basically  
20 allowed LeT to do its own thing without interfering?

21 A. I remember reading it, the chat, in my case but I cannot  
22 recall the actual chat at the time.

23 Q. Okay. But you would agree that you were a participant in  
24 that chat?

25 A. Yeah. I've seen the transcript.

1 Q. When you were discussing what you did in Canada, what your  
2 intent, your intentions were, what your plans were with the FBI  
3 during these five interviews in March of 2006, did you identify  
4 LeT as a terrorist organization that you contemplated, you  
5 personally contemplated joining?

6 A. I did.

7 Q. Were you aware that Lashkar-e-Tayyiba engaged in terrorist  
8 attacks in the Kashmir area?

9 A. Well, I don't consider them terrorist attacks so I'm not  
10 sure that --

11 Q. Okay. Describe for the jurors what you're aware of LeT  
12 doing back in 2004, 2005, not recently, but 2004, 2005.

13 A. At that time the only activity I knew of LeT was fighting  
14 Indian soldiers and I did not consider -- I don't even consider  
15 it now a terrorist act.

16 Q. But fighting, as in shooting at, trying to blow up, Indian  
17 soldiers in Kashmir?

18 A. Yeah.

19 Q. Were you aware in 2004, 2005, if the United States  
20 government had declared LeT a terrorist organization?

21 A. I wasn't sure about specifically LeT. I was -- I mean, I  
22 never really paid attention to that stuff.

23 Q. Okay. Let me ask the question a different way. I hear  
24 you saying very clearly you don't view what LeT does as  
25 terrorism, but you follow the popular media. Were you aware

1     that other people had described LeT as a terrorist  
2     organization?

3     A.    Other people in Indian government?

4     Q.    Anything you're familiar with.

5     A.    I knew the Indian government considered them terrorists.  
6     But I thought at that time Pakistan government did not  
7     consider, I don't know if they did or not, but they were pretty  
8     open so I did not consider that they were that banned because  
9     they were really open in Pakistan.

10    Q.    You said "that banned," b-a-n-n-e-d --

11    A.    Yeah.

12    Q.    -- as opposed to bad, just so I understand what you said?

13    A.    Yeah.

14    Q.    So they operated openly in parts of Pakistan?

15    A.    Pretty openly, yeah.

16    Q.    You understood that they operated training camps where you  
17    could learn how to fight?

18    A.    Yes.

19    Q.    That was one possibility you considered?

20    A.    Yes. I had an option.

21    Q.    Let's go back to while you were in Canada. Did you and  
22    the people you were with, the defendant, Abu Umar, Azdee,  
23    et cetera, ever discuss the possibility of attacking oil  
24    refineries or oil storage facilities in the U.S.?

25    A.    I think this is a misstatement. It was not in Canada that

1 I mentioned oil facilities.

2 Q. Okay. Well, first tell me what your recollection is. Did  
3 you discuss with someone, not just think it, but discuss with  
4 someone that doing something, attacking oil facilities in the  
5 United States --

6 A. It could be fantasy talk but you could say sometimes  
7 online there was some communications about that, maybe.

8 Q. Why oil facilities as opposed to a tall building?

9 A. I think there was an article about the need to disrupt the  
10 economy of the U.S. So I think at that time online community  
11 got a little excited about oil.

12 Q. Let's look at Government's 168 and if we could start on  
13 page 1. At the bottom, very bottom of the page, Mr. Ahmed, you  
14 say: "I met with Azdee and James and another brother known as  
15 Jamal." Then you go on, and if you would read that next  
16 sentence?

17 A. "While meeting with Azdee and James at the mosque I  
18 mentioned that we should attack oil storage facilities and  
19 refineries."

20 Q. Go on.

21 A. "I wanted to attack these places because the oil is being  
22 stolen from the Muslims and an attack would cause the price of  
23 oil to increase and make more money for the Muslims."

24 Q. Now, you're saying now that that was a mistake?

25 A. That, again, many statements that I made could be confused

1     like when I made it. So I may have said it but I may have  
2     misplaced the context of where was I when I said it.

3     Q.    So what is your recollection now?

4     A.    I think I was maybe in Atlanta at that time. You know,  
5     maybe in my home, like not Canada.

6     Q.    But so we're clear, you didn't ask the agents who were  
7     with you on March 18th to change this sentence to say Atlanta  
8     and they refused?

9     A.    I didn't tell them, no.

10    Q.    Okay. When it was time to go back to Atlanta from your  
11    trip to Canada did the defendant go with you?

12    A.    We came together.

13    Q.    When you got back did you let Zubair Ahmed -- we haven't  
14    talked about him a lot -- did you let him know that you had  
15    been to Canada and that new plans were under way?

16    A.    I never told Canada but I said I've been to some people.

17    Q.    Pardon me?

18    A.    I never said Canada online to him.

19    Q.    You said you went someplace, don't want to talk about it  
20    online?

21    A.    Yeah.

22    Q.    Okay. And then you began to ask him about some idea of  
23    taking loans from Western banks. Explain to the jurors a  
24    little bit about what your thought was back then.

25    A.    The entire -- the whole concept?

1 Q. Not all of -- it may be --

2 A. I think I need to explain the concept, I cannot just say  
3 one statement about it.

4 Q. Please answer the question, then.

5 A. Okay. There is concept in some schools of thought in  
6 Islam that you can take loans from a country that you are at  
7 war with and then you don't have to pay it back.

8 So I asked Zubair that is it an option for us, can we  
9 take loan and then use the money to go to Pakistan and not have  
10 to pay back because technically, if you don't pay back the  
11 loan, you cannot enter paradise until the loan is paid off; but  
12 if we are at war, we can take the loan and still go to  
13 paradise. So I asked him can we apply this or if we take the  
14 loan and run away we will not be able to go to paradise. So it  
15 was a conversation between me and him, back and forth.

16 Q. Back in April of 2005, which is when you would have had  
17 this conversation, who was it that you felt you were at war  
18 with such that maybe you taking such a loan would be okay?

19 A. U.S.

20 Q. Go back to LeT for just a couple of questions. You  
21 mentioned that the attacks that LeT engaged in were primarily  
22 on troops in Kashmir, Indian troops. Are you aware of any  
23 attacks prior to 2005, 2004, in the Indian homeland that LeT is  
24 connected to?

25 A. 2004, before 2004, 2005?

1 Q. Yes, sir, not after; before.

2 A. I mean, I don't know specific attacks for LeT that much,  
3 not really, no.

4 Q. Okay. In terms of LeT --

5 A. There was one, maybe it was in 2004, though, on the -- in  
6 the Congress, is that what you are referring to?

7 Q. Yeah. I may have the date wrong, but 2004 on what?

8 A. Was it 2004?

9 Q. I don't know what --

10 A. That's the only one I know, actually.

11 Q. Okay, but that's not in Kashmir?

12 A. But I don't know the date of it.

13 Q. Okay. Where did LeT attack in what you're describing?

14 A. Oh, that was India.

15 Q. But what?

16 A. The Congress of India.

17 Q. Like their Congress, like our Capitol building, where  
18 their Congress meets?

19 A. Yeah, uh-huh.

20 Q. Zubair, we were just talking about, you met him online  
21 initially?

22 A. Yes.

23 Q. Did you meet him face to face ever?

24 A. Once.

25 Q. Where was that?

1     A.    At his place.

2     Q.    Which is where?

3     A.    Oh, Chicago.

4     Q.    And I think you already described you all came up with a  
5     first, second, third way of describing pursuing jihad?

6     A.    Yeah.

7     Q.    You and he developed that?

8     A.    I developed it when I met him.  That's what I told him,  
9     that that's how we should talk.

10    Q.    Okay.  And did you and Zubair and Safiullah end up using  
11    those terms, first, second, and third, as code rather than  
12    typing out:  Let's go do jihad?

13    A.    Yes.

14    Q.    In 2005, when you got to -- late 2004, early 2005, as you  
15    got to know the defendant, Omer Kamal, did you encourage Zubair  
16    to come down to Atlanta and meet the group you had begun to  
17    assemble?

18    A.    Yes.

19    Q.    You and the defendant took a trip in April of 2005.  Where  
20    did you go?

21    A.    Washington, D.C.

22    Q.    Was it a spur of the moment trip or something you and the  
23    defendant had talked about?  You went up on April 10th, the  
24    jury has already heard about that.  Did you decide the night of  
25    April 9th or was it something you and the defendant had talked

1 about previously?

2 A. That's, again, two things. One was when to take a trip or  
3 should we take the trip or not. When to take the trip,  
4 basically was like a night before.

5 Q. Okay. But the idea of doing what you did, taking these  
6 videos of these places, when did you first talk about the idea  
7 with the defendant?

8 A. Ten, fifteen days before, maybe more, we had idea.

9 Q. Okay, and I've used the word "idea," and you have. What  
10 was the idea? What was the purpose, in your mind, of going to  
11 Washington, D.C., to take these videos?

12 A. Actually, I wanted to like -- I was the most useless  
13 person of the Tibyan group, actually. There were some people  
14 that would translate, some people who could run the website.  
15 So I just wanted to prove somehow that, you know, I can be of  
16 some benefit. So I was thinking of something that I could do  
17 that, you know, that would somehow raise my reputation in  
18 Tibyan.

19 So I was constantly thinking of some action-based  
20 adventures that I could do. One thing came to me was, well,  
21 what if, you know, I take videos that could be used online for  
22 propaganda or whatever.

23 Q. And you shared this idea, meaning you told this idea to  
24 the defendant before you went to Washington, D.C.?

25 A. Yeah.

1 Q. In other words, it wasn't a surprise to him that you  
2 weren't going to walk around in the Smithsonian, but instead  
3 you were making these videos?

4 A. Yeah.

5 Q. How did you get to Washington?

6 A. I drove my own car -- I drove my truck.

7 Q. Which of the two of you, the defendant or you, provided  
8 the camera?

9 A. Was my camera.

10 Q. And what was to happen with the videos after you took  
11 them? Where were they going to go?

12 A. Actually, they were just going to go to our group online  
13 and incorporated in some form in a propaganda video or  
14 something like that.

15 Q. Did you end up sending them to anyone?

16 A. I did not send them to anyone, no.

17 Q. They ended up on the computer of Younis Tsouli, Irhabi  
18 007, as well as the computer of Abu Umar, Mr. Khan. Did you  
19 send the videos to Younis Tsouli?

20 A. I did not.

21 Q. Did you send them to Mr. Khan, Abu Umar?

22 A. No.

23 Q. Did you do any filming, you and the defendant, doesn't  
24 really matter right now who was holding the camera, but that  
25 first day, April 10th, the evening when you got up there, did

1     you do any filming that first evening?

2     A.    Yes.

3     Q.    Where did you spend the night?

4     A.    There, like the location?

5     Q.    No.   In a hotel, in a tent?

6     A.    Oh, we spent the night in our truck.

7     Q.    You say "our truck," whose --

8     A.    Oh, sorry, my truck.   Sorry.

9     Q.    At some point did you all get a visitor's map?

10    A.    Yes.

11    Q.    Who got the visitor's map?

12    A.    I don't recall who got it but we had it.

13                 MR. MCBURNEY:   Can you put up Exhibit 86, please?

14    Q.    (By Mr. McBurney)   Did it look something like that?

15    A.    I mean, I don't recall the map at all but probably it is.

16    Q.    Did you end up with the map or is that something the  
17    defendant kept?

18    A.    I mean, from testimony I know that he had it but I don't  
19    even remember like what happened to the map after the trip.

20    But from testimony at my trial it was revealed that --

21    Q.    You don't know what happened with it?

22    A.    I don't know.

23    Q.    All right.   The next day, April 11th, did you do more  
24    filming?

25    A.    Yeah.

1 Q. Did you end up taking the Metro that day, the subway?

2 A. Yeah.

3 Q. Did you get on at the King Street Station where the  
4 Masonic Temple is?

5 A. Uh-huh.

6 Q. Did you film the Masonic Temple?

7 A. Yeah, I filmed it.

8 Q. Did you film the Pentagon, both the evening of the  
9 first -- that first evening and then the following day?

10 A. Yes.

11 Q. On your way home that April 11th, did you all film a big  
12 collection of oil tanks, sort of an oil storage facility?

13 A. Yeah.

14 Q. During the interviews with the FBI did you ultimately  
15 reveal that it was your camera or your family's camera that was  
16 used to make the videos that were found on Younis Tsouli's  
17 computer?

18 A. Yeah.

19 Q. Was that your initial story --

20 A. No.

21 Q. -- to the FBI?

22 A. It was not.

23 Q. Did you ultimately produce, provide the camera to the FBI?

24 A. Yes.

25 Q. Is the camera that you gave to the FBI -- it was March

1 15th, 2006 -- the camera that you and the defendant used in  
2 Washington?

3 A. Yes.

4 Q. I want to play a few of the videos for you, ask you a  
5 couple questions about them.

6 MR. MCBURNEY: If we could play 0065, please.

7 (Video playing.)

8 Q. (By Mr. McBurney) Mr. Ahmed, what building is being  
9 filmed in that video?

10 A. I can't even see it. I could not clearly see.

11 Q. You don't recall?

12 A. I mean, I don't see anything.

13 Q. Okay. Whose voice is it saying: "Be careful, man, be  
14 careful"?

15 A. It's my voice.

16 Q. Who's holding the camera? In other words, who's filming?

17 A. It seems like it's the defendant.

18 Q. Who's driving the truck?

19 A. I was the one driving the truck all the time.

20 Q. Was there anyone else with you?

21 A. No.

22 Q. So if you're driving, by the process of elimination, who's  
23 doing the filming?

24 A. The defendant is doing.

25 Q. What was it that you and the defendant needed to be

1 careful about? If you're doing the driving, was it to get into  
2 an accident?

3 A. Careful about?

4 Q. You were repeatedly telling the defendant in that video,  
5 "Be careful man, be careful." Be careful about what?

6 A. I guess the police or security.

7 Q. Let's look at 0094, please.

8 (Video playing.)

9 Q. (By Mr. McBurney) Who said: "This is where our brothers  
10 attacked the Pentagon"?

11 A. It's not my voice.

12 Q. Okay. Were you in the truck while that was filmed?

13 A. Yes.

14 Q. Who said: "This is where our brothers attacked the  
15 Pentagon"?

16 A. I don't recall, I mean, the event. But the video, that's  
17 not my voice so I guess --

18 Q. Do you recognize the voice?

19 A. Yes, actually, yeah.

20 Q. Of all the people you know, who does it sound like?

21 A. I think the defendant, maybe, sounds like him.

22 Q. And "our brothers," who was it who attacked the Pentagon?

23 A. Muslims.

24 Q. A particular organization or just Muslims in general?

25 A. Oh, particular organization. I mean, people say Al Qaeda

1 but then there are also conspiracy theories about it too, so,  
2 you know.

3 MR. MCBURNEY: Let's look at 0098. We don't need to  
4 play it, just pull it up.

5 (Video playing.)

6 Q. (By Mr. McBurney) Who's that?

7 A. That's the defendant.

8 MR. MCBURNEY: 0142, if you would play that.

9 (Video playing.)

10 Q. (By Mr. McBurney) We've got some nice cherry blossoms and  
11 the World Bank. Who's the individual walking in front of the  
12 camera in the beige or white shirt?

13 A. That's me.

14 Q. Did the defendant ever tell you what he was going to do  
15 with the videos?

16 A. Not really.

17 Q. You say "not really." He may not have given you specifics  
18 but -- take a step back.

19 When you got back to Atlanta, did the defendant ask  
20 you for the camera so that he could have the videos for awhile?

21 A. I gave him the camera, yes.

22 Q. You forced it on him?

23 A. Forced it on him? What do you mean?

24 Q. Did you make him take the camera?

25 A. Well, I guess, I mean, he asked for it, I guess.

1 Q. He asked for it; you gave it to him. What did he tell you  
2 he was going to do with the videos?

3 A. He did not tell me what would happen with them.

4 Q. But for some period after you got back to Atlanta the  
5 defendant had the camera with the memory card that had the  
6 videos on it?

7 A. Yeah.

8 Q. You got the camera back. What did you do with the videos  
9 after you got the camera back?

10 A. That was, I think -- I looked at the videos either before  
11 or afterwards, but I don't actually recall when I looked at  
12 them.

13 Q. Did you copy the videos onto the computer in your family's  
14 house?

15 A. I looked at them at my, yeah, at the computer.

16 Q. So you got them off the memory card, put them on the  
17 computer?

18 A. Yes.

19 Q. At some point did you also load some or all of them onto a  
20 thumb drive or memory stick?

21 A. From my computer, yes.

22 MR. MCBURNEY: Could you put up Exhibit 109, please?

23 Q. (By Mr. McBurney) You've seen this before and we don't  
24 need to march through a whole lot of it. Are you the author of  
25 this e-mail?

1     A.    Yes.

2     Q.    And you asked it to be sent to everyone who is coming for  
3   the celebration of Mother's Day.  Who were you intending this  
4   letter to go to?  Obviously, it went to the defendant, you  
5   e-mailed it to him, and then you asked him to pass it on.  Who  
6   did you intend it to go to?

7     A.    Well, it was as many people as would come who were serious  
8   about it.

9     Q.    Okay.  And who were you considering at that time as being  
10  serious about it?

11  A.    Maybe Azdee and Abu Umar and maybe James.

12  Q.    During this time, this is mid to late April after you had  
13  been to Washington, D.C., there were a series of chats with you  
14  and Abu Umar, Azdee, et cetera, do you recall discussing people  
15  getting an apartment up in Canada where you and the defendant  
16  might stay as you firmed up the specifics of your plan?

17  A.    I mean, a basement.

18  Q.    Yes.

19  A.    Yeah.

20  Q.    But an apartment of some sort, whether it's in the attic  
21  or the basement.

22  A.    It was supposed to be a basement, actually.

23  Q.    What's the significance of a basement apartment?

24  A.    Oh, I mean, it's just smaller.  I mean, we could not  
25  afford an apartment.

1 Q. Okay. That summer, 2005, you ended up traveling to  
2 Pakistan?

3 A. Yes.

4 Q. Got a one-way ticket and flew to Karachi?

5 A. Yes.

6 Q. You have family there?

7 A. Yes.

8 Q. You ended up staying with family?

9 A. The whole visit.

10 Q. The whole visit?

11 A. Yes.

12 Q. When you left Atlanta -- how long did you stay in  
13 Pakistan?

14 A. Maybe exactly a month or maybe something like that, a  
15 month.

16 Q. When you left Atlanta were you intending, expecting that  
17 your stay in Pakistan would be only one month?

18 A. No.

19 Q. What was your intention or intentions, there may have been  
20 more than one, in going to Pakistan?

21 A. There were many intentions. Okay. One of them was to  
22 study Islam, and for me personally to maybe explore if I could  
23 join, you know, if I could get some training in -- jihad  
24 training.

25 Q. Jihad training meaning violent jihad training?

1 A. I mean, yeah, training.

2 Q. So we're clear, you weren't thinking about joining the  
3 Pakistani military, enlisting with the Pakistani military?

4 A. Not the military.

5 Q. This would be going to the irregular militia or to a  
6 terrorist training camp, you might not call LeT terrorists, but  
7 one of those types of camps?

8 A. For me, yeah.

9 Q. What's a madrassa?

10 A. It's Islamic school.

11 Q. Did you look into attending madrassas in Karachi or  
12 elsewhere?

13 A. Many, yeah.

14 Q. Did you meet up with Abu Umar while you were in Pakistan?

15 A. I saw him, yeah, once.

16 Q. Did you have his phone number with you when you went?

17 A. Yes.

18 Q. How did you get his phone number?

19 A. How did I get his phone number?

20 Q. Did the defendant give you his phone number? Meaning did  
21 the defendant give you Abu Umar's phone number.

22 A. I may have it even before I left Atlanta, or I may not. I  
23 mean, I don't recall the specifics of how I got his number.

24 Q. Well, when you returned to Atlanta, do you remember being  
25 interviewed by Customs and the FBI?

1     A.     At the airport?

2     Q.     Yes, when you came back to Atlanta in August of 2005.

3     A.     Yeah.

4     Q.     Your address book then had Abu Umar's phone number in it?

5     A.     Yes.

6     Q.     Okay. When did it get into your address book, that phone  
7     number?

8     A.     I cannot recall was it before when I left Atlanta or while  
9     in Karachi. I cannot recall this, when I got his number.

10    Q.     How did you come to meet with Abu Umar? Did you just bump  
11    into him on the street?

12    A.     No, no. I'm saying his phone number, if I had it even  
13    before my trip to Karachi or if I got it through e-mail from  
14    him from in Karachi, because I did not meet him the first day.

15    Q.     Understood. When you say you may have gotten it in an  
16    e-mail, an e-mail from whom?

17    A.     Maybe from Umar or maybe from someone, maybe the  
18    defendant. I don't recall how I got the number right now.

19    Q.     Okay. Let's talk a little bit about your encounter with  
20    Abu Umar. Why were you seeking to meet with Abu Umar when you  
21    were in Pakistan?

22    A.     First of all, he was a friend, online friend, and he was  
23    in Pakistan. So that was one of the reasons.

24    Q.     Were there other reasons?

25    A.     Secondly, he was from the area of Pashtun area, so I

1     could, you know, from my own personal inquiry talk to him about  
2     training camp.

3     Q.     Talk to him about what?

4     A.     The training camp.

5     Q.     When Abu Umar came to Karachi to meet with you, did you  
6     two, in fact, talk about training camps?

7     A.     He did not come to meet with me. He was in Karachi for  
8     other personal reasons, I guess, because he was there.

9     Q.     But you ended up meeting with him in Karachi?

10    A.     Yeah.

11    Q.     When you met, did the two of you talk about some of the  
12    logistics of how you might get to a training camp?

13    A.     Not a lot because he had his whole -- his family with him  
14    too. So we just talked. I said how can I just come to you; we  
15    did not talk about the training camp, not much.

16    Q.     Not much, so you did some?

17    A.     I mean, as much as you can talk in front of a family.

18    Q.     Okay. Did he not tell you just take the train to Peshawar  
19    and I'll pick you up there?

20    A.     Yeah. So I told him how I can come to your house, you  
21    know, then we'll talk about it.

22    Q.     When you traveled to Pakistan in 2005, did you bring the  
23    Washington, D.C. videos with you?

24    A.     Pakistan?

25    Q.     Yeah.

1     A.    Yeah.

2     Q.    Why?

3     A.    Well, they were supposed to be like, you know, for me to  
4    show off, you know. I wanted to show off to, you know, people  
5    that I am someone, I guess.

6     Q.    To your sister who lived in Karachi?

7     A.    Well, you know, people like Abu Umar or someone -- you  
8    know, people I knew online or anyone I meet.

9     Q.    Did you think that having the videos with you might help  
10   you get through -- I don't know what they call it -- an  
11   interview or some encounter with people associated with a camp,  
12   that they would see that you have the boldness to make those  
13   types of videos? Is that a thought that you had?

14    A.    Not at the camp level, but the people online, the online  
15   community who are in Karachi or people who are jihad community,  
16   I guess.

17    Q.    Do you remember talking to the FBI about how you left  
18   Atlanta with a very heavy heart because you weren't sure you  
19   would see your family here again?

20    A.    Yeah.

21    Q.    Why might you never see them again?

22    A.    Well, I mean, if I had wanted to become a martyr. I mean,  
23   or even for studies it might be long time but -- if I see them  
24   again.

25    Q.    You said martyr?

1     A.    Martyr, yeah.

2     Q.    In the end did you go to -- I don't know if I'm  
3     pronouncing it correctly -- Peshawar?

4     A.    No.

5     Q.    You met Abu Umar just that one time?

6     A.    Yes.

7     Q.    You came back to the United States after just a month.  
8     What happened?

9     A.    Well, I talked to my family, and some of the schools I  
10    went to, they basically told me to, you know, finish my studies  
11    at Georgia Tech. So basically I just could not resist the  
12    pressure. I just came back.

13    Q.    Did you bring the Washington, D.C. videos back with you to  
14    the United States?

15    A.    I did not bring them.

16    Q.    Did you destroy the thumb drive that you had the videos  
17    on?

18    A.    Yeah. Either I destroyed the thumb drive at that time or  
19    I destroyed the video and then the thumb drive, I don't recall,  
20    but the videos are gone.

21    Q.    Why?

22    A.    Because I thought the Customs might, I guess, might  
23    confiscate them.

24    Q.    Okay. We talked a little bit about how you were  
25    interviewed at Hartsfield upon your return. Were you asked

1 about your trip to Canada?

2 A. Yes.

3 Q. Did you tell the interviewers that you went there to meet  
4 with your family?

5 A. Yeah. I think I said family and friends.

6 Q. Okay. Did you go to Canada and meet with your family? Is  
7 that what really happened?

8 A. But I did meet friends.

9 Q. Were you asked about your trip to Pakistan?

10 A. Yes.

11 Q. Did you tell the interviewers that you went there, in  
12 part, to further your Islamic studies?

13 A. Yes.

14 Q. Did you tell them that you went, in part, to be with  
15 family and friends?

16 A. Yeah.

17 Q. Did you tell them that you went, in part, to pursue  
18 violent jihad?

19 A. No.

20 Q. You left that part out?

21 A. Yes.

22 Q. Why did you keep out the parts about Canada and Pakistan?

23 A. Huh? About Canada?

24 Q. Why didn't you tell, when you were asked about Canada: I  
25 went up and met with Azdee and Abu Umar and James and we talked

1 about the things you just told the jury you talked about? Why  
2 didn't you tell the interviewers?

3 A. Well, they were not, first of all, that specific; and,  
4 secondly, why should I tell something to get me in trouble?

5 Q. Just you, you were just worried about getting yourself in  
6 trouble?

7 A. I mean, pretty much, or someone else in trouble.

8 Q. Okay. The defendant went to Bangladesh that same summer.  
9 When did he leave in relation to your return to the United  
10 States?

11 A. I don't know when he left but I know he left. I don't  
12 know --

13 Q. Was he gone by the time you got back?

14 A. I think, yeah.

15 Q. Did you keep in contact with the defendant after he left  
16 the United States?

17 A. Yes.

18 Q. Did you talk to him on the phone?

19 A. Once.

20 Q. This one time was after your interviews with the FBI?

21 A. Yeah.

22 Q. Before then did you keep in touch with him by chatting?

23 A. By e-mail or draft letters.

24 Q. Within a day or two of your return to Atlanta were you  
25 sharing with Zubair Ahmed some of your regrets about, I think

1 the phrase was "turning back on your heels"?

2 A. Yeah.

3 Q. Did you and Zubair discuss how maybe the scholars had been  
4 incorrect, those who told you you need to go back to the United  
5 States, focus on your studies?

6 A. Yeah.

7 Q. Did you continue in the fall of 2005 and early 2006, to  
8 discuss with Zubair Ahmed your interest in pursuing third?

9 A. When? What date?

10 Q. After you got back from Pakistan.

11 A. Oh. Yes.

12 Q. We talked already how you met with the FBI in March of  
13 2006. You were free to go after each of the five interviews?

14 A. Yeah.

15 Q. The first one, in fact, happened at your own, I guess the  
16 college residence, the Ethel Street residence?

17 A. Yes.

18 Q. After that first interview with the FBI, did you destroy  
19 any evidence that you thought the FBI might be interested in  
20 but might get you into some trouble?

21 A. Yeah.

22 Q. Tell the jury what you did.

23 A. I think there were some thumb drive or CDs that I  
24 destroyed that had some videos, like not the D.C. videos, there  
25 was some videos, like from Iraq, and some books I burned.

1 Q. You burned some books and destroyed some CDs or thumb  
2 drives?

3 A. Yeah.

4 Q. At some point the FBI asked you for a thumb drive. Whose  
5 thumb drive did you end up giving them?

6 A. My sister's.

7 Q. Did you ever tell the FBI during any of the interviews  
8 that you had carried with you to Pakistan the D.C. videos?

9 A. I don't even recall the entire interviews. I don't know  
10 what I told them.

11 Q. This one I think you'll recall. At some point after the  
12 interviews you communicated with Defendant Sadequee via  
13 telephone but also electronically. Did you tell the FBI during  
14 any of the interviews, the five interviews, about that e-mail  
15 address?

16 A. Not really, no.

17 Q. So we're clear, did -- I'm sorry, I don't mean to cut you  
18 off.

19 A. But because that e-mail address I had -- I had never  
20 communicated with him successfully using that e-mail address  
21 before, so I just did not even consider it like a viable one.  
22 I tried one but it was not successful, like there was not a  
23 reply from him.

24 Q. So you'd agree that the FBI, the agents who interviewed  
25 you, asked you many times how do you communicate with Defendant

1 Sadequee?

2 A. But I had never used -- successful in using that e-mail  
3 address, so I did not even consider it viable.

4 Q. The day after your final interview with the FBI, final  
5 interview was on the 18th, that next day did you go to the  
6 defendant's family home in Roswell?

7 A. Yeah.

8 Q. When was the last time you'd been there?

9 A. Well --

10 Q. Before that.

11 A. Oh, my trip, before my trip to Pakistan.

12 Q. So almost a year?

13 A. Yeah.

14 Q. What was the purpose of your trip to the defendant's  
15 family home? He was in Bangladesh at the time. What was your  
16 purpose of the trip?

17 A. To actually ask if he was arrested or not because I was  
18 worried that he was arrested.

19 Q. "He," meaning the defendant?

20 A. Yes, defendant.

21 Q. You got to the house. With whom did you speak?

22 A. The family was there, brother and mother were there.

23 Q. Did you mostly speak with his brother, Amimul?

24 A. Yes.

25 Q. What is it you said to him?

1     A.     First I asked him is he arrested or not.  So he's, like,  
2     we don't know, I mean, but not really.  I'm like, are you sure,  
3     like did you talk to him yesterday or today.

4     Q.     Did you ask the defendant's brother to help you call  
5     Defendant Sadequee?

6     A.     Yes.

7     Q.     Did you end up doing that at the family home?

8     A.     No.

9     Q.     Why not?

10    A.     I think the phone, I thought, was bugged or something.

11    Q.     Bugged?

12    A.     Like by the FBI, like listening.

13    Q.     Okay, so where did go to call the defendant?

14    A.     The gas station next to their house.

15    Q.     Did you end up reaching the defendant on the phone?

16    A.     Yeah.

17    Q.     What did you tell him?

18    A.     I don't recall exactly what I told him but I think I said,  
19     like, I think like the police has come and has found out about  
20     us or something like that.

21    Q.     Okay.

22    A.     So I told him a new e-mail address and that's how I talked  
23     to him.

24    Q.     You told him in that phone call about this e-mail address  
25     we're going to talk about in one second as we wrap things up?

1     A.    Yeah, I said, you know -- yeah.

2     Q.    Okay. Did you say anything to the defendant in this phone  
3    call at this gas station at night about whether he should come  
4    back to the United States or not?

5     A.    Not really, no.

6     Q.    You don't -- okay. A couple days later did you go to a  
7    public library in Dawsonville?

8     A.    Yes.

9     Q.    Did you get online?

10    A.    Yeah.

11    Q.    Did you communicate with the defendant electronically  
12    using this Yahoo.france e-mail account we've been talking  
13    about?

14    A.    Yeah -- talking about? You never mentioned it before.

15    Q.    Well, we've been talking about an e-mail account. Do you  
16    remember the e-mail address?

17    A.    Oh, yeah.

18    Q.    What is it?

19    A.    40days1126@yahoo.france, that's f-r.

20    Q.    Okay, as opposed to plain old Yahoo!. Why would you use  
21    Yahoo.france?

22    A.    I thought Yahoo.france, since it's, you know, not U.S.  
23    company, it might require more than just a phone call from the  
24    FBI to turn over address, I guess.

25    Q.    Did you also use an address dannymoore1126@yahoo.fr to

1 communicate with the defendant?

2 A. I think that's the one, yeah.

3 Q. Might that be the one you used a few days --

4 A. Yeah.

5 Q. Had you used dannymoore in the past with the defendant?

6 A. The France one?

7 Q. Yes.

8 A. I have never been able to communicate -- I mean, I tried  
9 to communicate with him using that but never been able to  
10 communicate.

11 Q. Okay. In the communication you had with the defendant  
12 using dannymoore1126@yahoo.fr in a public library in  
13 Dawsonville -- by the way, why didn't you just send this from  
14 your house, your family home, which is in Dawsonville, where  
15 you have Internet?

16 A. I thought the FBI was watching me.

17 Q. Why not at school, Georgia Tech? You had access to  
18 computers there.

19 A. I thought my account would be pretty much watched.

20 Q. In the communication that you sent to the defendant, did  
21 you tell him to stay away from the United States?

22 A. Can I pull up the e-mail?

23 Q. It's not in evidence yet. I'm just asking what you  
24 remember.

25 A. What I remember right now, I think I said delay coming. I

1 did not say don't come. That's what I remember, I think.

2 Q. And a couple days after that, is that when you were  
3 arrested on the charge of conspiracy to support -- provide  
4 material support to terrorism?

5 A. Yes.

6 MR. MCBURNEY: Thank you, Mr. Ahmed.

7 THE COURT: All right, ladies and gentlemen, I think  
8 this is a good time to take our evening break. Obviously, you  
9 shouldn't discuss the case or any of the evidence with anybody,  
10 including those at home. We will begin promptly tomorrow  
11 morning at 9:00. We hope you have a good evening and we'll see  
12 you then.

13 (Jury retired from the courtroom at 5:03 p.m.)

14 THE COURT: Mr. Ahmed, you can go back with the  
15 marshals.

16 Is there anything we need to discuss before we  
17 adjourn for the evening?

18 MR. SADEQUEE: There is some kites we're waiting for  
19 the BOP to be deliver. The government said that their contacts  
20 with the BOP are on vacation.

21 THE COURT: I don't understand the question.

22 MR. MCBURNEY: Many months ago the defendant had some  
23 contraband seized from him. A kite is a note that inmates  
24 throw or somehow send across the hallway in the secured housing  
25 unit where the defendant is housed.

1           And what we learned, I think, yesterday, was that the  
2 defendant was interested -- once we learned that Mr. Ahmed was  
3 going to testify, Mr. Samuel said, Hey, my client would like to  
4 get these kites, these notes that the defendant is saying were  
5 from Syed Haris Ahmed, apparently will form some part of the  
6 cross-examination.

7           I contacted BOP yesterday and we got a formal  
8 subpoena this morning from the defendant. So we have been  
9 making calls. Mr. Shelnutt has been calling the BOP. They  
10 have been looking everywhere for things that were seized months  
11 ago and it's not clear that they were maintained. But my  
12 understanding is that BOP is diligently looking for them and  
13 has not ever guaranteed that they, in fact, exist. So that's  
14 the status report that we've been receiving from the BOP.

15           THE COURT: Are these like paper airplanes that go  
16 from one place to another?

17           MR. SAMUEL: Can I speak?

18           THE COURT: You may.

19           MR. SAMUEL: Your Honor, I brought this to the  
20 government's attention, probably six months ago, I alerted them  
21 to the fact that these documents had been seized. Many of them  
22 were seized while I was there. I was having an attorney visit,  
23 he was coming up to see me. And in his paperwork he had all of  
24 these kites and he wanted to show them to me and the --

25           THE DEFENDANT: Lieutenant.

1           MR. SAMUEL: Lieutenant, the guards seized them from  
2 him and there was this controversy and, you know, a little bit  
3 of yelling and screaming and I said let's everybody calm down  
4 and I said to the guard if you have to seize something, go  
5 ahead and seize it; preserve it, just don't destroy anything  
6 you take.

7           Then the next time we were in court I mentioned this  
8 to, I think Mr. Nahmias and Mr. McBurney were both here, I said  
9 we had a little scuffle at the prison the other day and I want  
10 to make sure this stuff is kept. And that's how it kind of  
11 ended.

12           And then, of course, as you know, nobody really  
13 expected Mr. Haris to -- Mr. Ahmed here to testify until  
14 yesterday. As soon as I found that he was going to testify, I  
15 said those things that hopefully they kept -- I know they're  
16 doing, I know these people are doing what they need to do. But  
17 to say the BOP is acting diligently, I've never found them to  
18 be diligent about anything I've ever asked them to do. And I'm  
19 worried that, you know, an e-mail to BOP, you know, they're  
20 going to ignore it. That is my fear.

21           THE COURT: Let me ask the first question. After Mr.  
22 Samuel asked for these pieces of paper to be maintained, did  
23 the government communicate that to the BOP?

24           MR. MCBURNEY: Yes, sir. I spoke and e-mailed with  
25 Mr. Johnson, Tim Johnson, who is my usual contact there, and

1     said let's keep everything. This was in the era when we were  
2     coming before you, unfortunately somewhat regularly, to say  
3     there are issues at BOP, the defendant and the BOP. So I made  
4     the request that everything be maintained. I was told, We'll  
5     hold on to things. I wasn't told specifically, Oh, yes, those  
6     kites, we have them, but I communicated the request.

7             THE COURT: And did Officer Johnson tell you that he  
8     would comply with that request?

9             MR. MCBURNEY: He did.

10            THE COURT: And when was the last time either you or  
11     Mr. Nahmias talked directly to Officer Johnson?

12            MR. MCBURNEY: I've been in regular contact with  
13     Mr. Johnson until about two weeks ago. He's been on vacation.  
14     Mr. Shelnutt today wasn't just e-mailing people, but on the  
15     phone with people, I don't know with whom, but he was given  
16     that assignment by Mr. Nahmias today. The subpoena has been  
17     communicated to BOP. As you know, I've been in here.

18            THE COURT: I understand. But did anybody, did it  
19     occur to anybody that Mr. Shelnutt ought to go over to the  
20     prison rather than call them on the telephone?

21            MR. NAHMIAS: Your Honor, we received the subpoena  
22     about 11:00 today. I immediately at the next break took it to  
23     Mr. Shelnutt and asked him to communicate directly by phone  
24     with the Bureau of Prisons.

25            My understanding is Mr. Johnson is still on vacation.

1 He talked to Ms. Parks. I've been getting e-mail updates and  
2 that they are doing searches of everything, they haven't found  
3 them. If the Court would like us to send someone over --

4 THE COURT: Has anybody interrupted Officer Johnson's  
5 vacation to ask him where he put them?

6 MR. NAHMIAS: I don't know, Your Honor, because I've  
7 also been in court. We can inquire as soon as court is out.  
8 If we can get a better description of what we're looking for,  
9 how many, you know, and that sort of thing, that may help as  
10 well. But we will get in contact with them tonight and in the  
11 morning and do our best to get materials that, again, were only  
12 subpoenaed late this morning.

13 THE COURT: I understand that. How many are there  
14 and what do they say? That would help them.

15 MR. SAMUEL: Obviously, they were seized before I  
16 ever saw them. There's two envelopes full. And though it's  
17 true I gave the subpoena this morning, we were talking about it  
18 yesterday. In fact, they sent the e-mail yesterday. So, true,  
19 I gave the subpoena 11:00 this morning because, you know -- but  
20 it was yesterday afternoon that everybody agreed that this was  
21 something that needed to be addressed, but whatever. But it's  
22 two envelopes full is the answer to your question.

23 MR. MCBURNEY: The question of what's on them can be  
24 answered by the person who is representing the defendant in  
25 this case.

1           MR. SADEQUEE: Yes. Well, it's actually a collection  
2 of kites from the period that I've been in prison and  
3 specifically -- well, it's not specific any topic, it's just  
4 all sorts of things. I'm not sure if I would use all of them  
5 but I have not been able to review them ever since they were  
6 seized, so I need the opportunity to receive them back and  
7 review if there's something in --

8           THE COURT: What do you believe is in them that is  
9 relevant to the case?

10          MR. SADEQUEE: There is some discussions on -- there  
11 has been some discussions on case-related issues.

12          THE COURT: Such as?

13          MR. SADEQUEE: We'll have to go back and review them  
14 to find out exactly.

15          THE COURT: Give me one example.

16          MR. SADEQUEE: Well, we talked about LeT, for  
17 example, and, you know, why he told the government that he  
18 supports LeT and I know -- when I know that he has differences,  
19 he and I have ideological differences. So there were  
20 conversations on things such as that.

21          THE COURT: How is the current ideological  
22 differences about LeT relevant to the conduct that occurred in  
23 2004 and 2005?

24          MR. SADEQUEE: No. For example, I have asked him why  
25 he was telling the government that he supports LeT when

1     that's -- he is -- when I know that's not entirely accurate, in  
2     his interviews with the government back in 2006, that's one  
3     example. There's a bunch of other things, I'm sure, that's  
4     there which I cannot recall off the top of my head.

5             And I don't know, I'm pretty sure I'm not going to be  
6     presenting all of the kites but there might be certain kites  
7     which, if I'm able to review them, I would know that this is  
8     something I want to use.

9             THE COURT: Are these things that you sent to him?

10            MR. SADEQUEE: No. These are his kites to me, like  
11     his responses or whatever he's written to me, some of the  
12     things which are not relevant like, you know, and there's other  
13     things which are relevant or could be relevant.

14            THE COURT: That's the only one that you can  
15     remember, is the one about your philosophical difference about  
16     LeT?

17            MR. SADEQUEE: Well, there's --

18            THE COURT: What do you recall his response being  
19     about why he told the FBI that LeT was one of the organizations  
20     that he wanted to attend and join?

21            MR. SADEQUEE: I'm not sure if this is where I want  
22     to be discussing --

23            THE COURT: Well, there's no place else to discuss  
24     this except here.

25            MR. SADEQUEE: Well, his response was something like

1     LeT is one of the softer organizations and he thought that  
2     since the LeT supports the Pakistani government, that the  
3     Pakistani government is allied with the U.S., they would not be  
4     too mad if he said that he supports LeT, something to that  
5     effect, was his logic.

6             THE COURT: Well, you can certainly ask him about  
7     that tomorrow.

8             MR. SADEQUEE: Yes. But I mean --

9             THE COURT: I understand your point. I understand  
10    that the government was asked and apparently took action to  
11    have these retained.

12            While there was not a subpoena at that time, it was  
13    an organization within the Department of Justice that was asked  
14    to maintain some information, you need to follow up on it, I'd  
15    say more aggressively than what I've heard so far.

16            So why don't we meet tomorrow morning at 8:30 and  
17    give me a report on where we stand on that. And I would ask  
18    that somebody call Mr. Johnson and ask him what he did to  
19    comply because he hasn't been called. He might be the person  
20    who, in fact, knows where the information is. That's what I  
21    would do, or that's what I would have done.

22            Anything else we need to discuss this evening?

23            MR. MCBURNEY: I'm assuming Mr. Samuel will explain  
24    to the defendant that he may, in an effort to use these kites,  
25    he needs to ask the questions first. We will do exactly what

1     you said, but now being aware of their existence and possible  
2     use, I want to make sure they are not misused by the defendant  
3     during his cross-examination.

4             THE COURT:   A misuse of something that can't be  
5     found?

6             MR. MCBURNEY:  Well, if they're found, then that risk  
7     exists.  We'll do what we can to find them.

8             THE COURT:  Well, what if they are not found, what's  
9     your concern about?  I mean, he can't ask Mr. Ahmed where they  
10    are because Mr. Ahmed doesn't know.

11            MR. MCBURNEY:  I don't have a concern if they are not  
12    found, that wasn't what I was bringing up.

13            THE COURT:  Well, then I have missed that, I guess  
14    it's late and I don't understand.  You want Mr. Samuel to tell  
15    Mr. Sadequee what?

16            MR. MCBURNEY:  I'll talk with Mr. Samuel.  I'll do it  
17    that way.

18            THE COURT:  All right, so we'll be together tomorrow  
19    morning at 8:30 and you'll give me a report on this?

20            MR. MCBURNEY:  Yes, sir.

21            THE COURT:  Have a good evening.  We'll see you  
22    tomorrow morning.

23            (Proceedings adjourned at 5:20 p.m.)

24

25

C E R T I F I C A T E

UNITED STATES DISTRICT COURT:

NORTHERN DISTRICT OF GEORGIA:

I hereby certify that the foregoing pages, 1 through 519, are a true and correct copy of the proceedings in the case aforesaid.

This the 31st day of August, 2009.

Amanda Lohnaas

Amanda Lohnaas, CCR-B-580, RMR, CRR  
Official Court Reporter  
United States District Court